

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90) 591 final

Brussels, 17 December 1990

Proposal for a
COUNCIL REGULATION (EEC)

concerning export and import of certain dangerous chemicals

(presented by the Commission)

Explanatory Memorandum

1. Introduction - Purpose

On 16 June 1988 the Council adopted Regulation No. 1734/88 concerning export from and import into the Community of certain dangerous chemicals. By this Regulation a notification procedure is introduced for the export of substances which are banned or severely restricted in the Community. The importing third country is informed that these substances are banned or severely restricted in the Community and of the reasons for such bans and restrictions. Although the Commission's original proposal included the principle of "prior informed consent" (PIC), the Regulation did not as the majority of Member States considered it advisable to await the outcome of discussions at international level, particularly those concluded under the auspices of UNEP and FAO. But the Council stated in the preamble to the Regulation that it will consider, before July 1990, the possibility of introducing into the Regulation the principle of PIC.

The Council did, however, adopt at the same time Resolution 88/C170/01 inviting the Commission to examine the question of PIC in greater detail and to submit, where necessary, in the light of developments in relevant international practices, appropriate proposals with a view to the possible adjustment of the Community instrument. A copy of this Resolution is attached hereto.

Meanwhile considerable progress has been achieved at international level, in particular by UNEP and FAO, to establish an international notification and "prior informed consent" procedure for the export of banned and severely restricted chemicals. The Commission has actively participated in these discussions at international level. In the light of the agreement now reached within UNEP and FAO (see below) the Commission considers it necessary to guarantee a common participation of the Community in this international notification and PIC system. The objective of the following proposal is therefore to amend Council Regulation No. 1734/88 to introduce the principle of "prior informed consent" and to secure a common participation of the Community in the international notification and PIC procedure.

2. Activities of UNEP and FAO

On 17 June 1987 the Governing Council of UNEP adopted the London Guidelines on the Exchange of Information on Chemicals in International Trade (Decision 14/27). It requested the Executive Director to convene an ad-hoc Working Group of Experts to develop modalities of PIC and to recommend measures for incorporating PIC into the London Guidelines. To achieve this aim UNEP organized 3 meetings :

- Geneva, 14-17 December 1987 - Advisory Panel
- Dakar, 19-23 September 1988 - Ad-Hoc Working Group
- New York, 13-16 February 1989 - Ad-Hoc Working Group

During the New York meeting all experts agreed on a text amending the London Guidelines with a view to adding the PIC principle. This amendment was adopted by the UNEP Governing Council at its meeting in Nairobi, on 25 May 1989. (Decision 15/30).

On 28 November 1985, the FAO in its Conference Resolution 10/85 adopted the International Code of Conduct on the Distribution and Use of Pesticides. During the FAO Conference held in Rome from 7-27 November 1987 Resolution 5/87 was adopted calling upon a working group to consider the incorporation of PIC in the Code of Conduct.

From 10-13 January 1989 FAO organized a "Government Consultation on the inclusion of PIC in the Code of Conduct". During the meeting, it was agreed that the procedure adopted by FAO for pesticides should be identical or at least compatible with that of UNEP. A text was agreed for the amendment of Article 9 of the Code to introduce PIC. At its 25th session in Rome in November 1989, the FAO Conference in Resolution 6/89 adopted the incorporation of the principle of PIC in the International Code of Conduct on the Distribution and Use of Pesticides.

Both UNEP and FAO are cooperating to establish an international notification and PIC system which shall consist of the notification of control actions taken to ban or severely restrict chemicals and the notification of exports.

The procedure will function as follows :

- Countries are invited to participate in the international notification and PIC procedure and to notify IRPTC (International Register of Potentially Toxic Chemicals)/FAO of the control actions taken to ban or severely restrict chemicals for health or environmental reasons.
- On the basis of these notifications IRPTC/FAO will establish a list of chemicals subject to PIC and will send this list of substances together with all relevant information on each substance and a PIC decision guidance document to participating countries to give their competent authorities the opportunity to assess the risk associated with the chemicals and to make an informed decision on the further import of these chemicals.
- IRPTC/FAO will record the decisions of the participating countries and will inform the designated authorities of the decisions taken by participating importing countries.
- Governments of exporting countries shall transmit to their industry the decisions of the participating countries and implement appropriate procedures to ensure that exports do not occur contrary to the PIC decisions of participating countries.

3. Proposals of the Commission

The Commission proposes to amend Regulation 1734/88 to provide :

- (1) incorporation of a prior informed consent scheme complementary to the joint scheme operated by UNEP and FAO;
- (2) additions to the list of chemicals in Annex I.

The actions required are as follows :

1. PIC

- (i) The Commission will submit a proposal to Council to amend the Articles of Regulation 1734/88 to provide for a Prior Informed Consent scheme.
- (ii) The Commission will notify IRPTC of the chemicals on the Annex 1 list and the reasons for their inclusion (i.e. why they were banned or severely restricted).
- (iii) The Commission will ensure that the Member States receive copies of the complete FAO/IRPTC list of chemicals subject to PIC and will evaluate, together with the Member States and in consultation with the Committee established under Article 20 of Directive 67/548/EEC, the risks posed by substances notified as banned or severely restricted on the list.
- (iv) The Commission will notify IRPTC/FAO if a further import of these chemicals into the Community should be allowed, prohibited or restricted.

2. Additions to Annex I

- (i) Since the initial development of Annex I, more chemicals have been banned or restricted by Community Legislation. The Commission will submit a proposal to Council for those additional chemicals to be added to Annex I.
- (ii) Member States will notify the Commission of pesticides and hazardous chemicals which are banned or severely restricted by national legislation and of the reasons for the bans and restrictions.
- (iii) The Commission will seek agreement, at a working group of national delegates, on chemicals not already in Annex I which should be

banned or severely restricted in the Community as a whole, using existing procedures for submitting proposals to Council.

Proposal for a
COUNCIL REGULATION (EEC)

concerning export and import of certain dangerous chemicals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 130s thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas Council Regulation (EEC) No 1734/88⁽⁴⁾ concerns the export from and
import into the Community of certain dangerous chemicals;

Whereas an amendment to Regulation (EEC) No 1734/88 is necessary to
implement the "prior informed consent" (PIC) procedure;

Whereas, on the occasion of this amendment, Regulation (EEC) No 1734/88
is also to be replaced by this Regulation;

Whereas certain provisions of Community legislation, and in particular Council
Directive 76/769/EEC⁽⁵⁾, as last amended by Directive 89/678/EEC⁽⁶⁾ and
79/117/EEC⁽⁷⁾, as last amended by Directive 89/365/EEC⁽⁸⁾, restrict the
marketing and use of certain dangerous substances and preparations and prohibit
the placing on the market and use of plant protection products containing
certain active substances in the Member States of the Community; whereas these
provisions do not apply to those products when they are intended for export to
third countries;

(1) OJ No

(2) OJ No

(3) OJ No

(4) OJ No L 155, 22.6.1988, p. 2.

(5) OJ No L 262, 27.9.1976, p. 201.

(6) OJ No L 398, 30.12.1989, p. 24.

(7) OJ No L 33, 8.2.1979, p. 36.

(8) OJ No L 159, 10.6.1989, p. 58.

Whereas international trade in certain chemicals which are banned or severely restricted in countries of export has caused international concern on grounds of protection of man and the environment;

Whereas measures are necessary for the protection of man and the environment, both in the Community and third countries;

Whereas schemes for notification, information and **Prior Informed Consent** concerning international trade in such substances have been set up within the framework of international organizations, namely the Organization for Economic Cooperation and Development (OECD), the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization (FAO);

Whereas the Community and its Member States have actively participated in the work of these and of other international organizations relating to banned and severely restricted substances; whereas it is appropriate that the Community acts upon the results of this work through uniform Community procedures;

Whereas the export of chemicals to which this Regulation applies should be made subject to a common notification procedure which would permit the Community to notify third countries with regard to such exports;

Whereas it is necessary to ensure that the rules applicable within the Community for the packaging and labelling of banned or severely restricted chemicals should apply to such chemicals when destined for export;

Whereas it is necessary to inform all the Member States of notifications received from third countries with regard to import into the Community of substances banned or severely restricted under the legislation of those countries;

Whereas the common notification procedures should also provide a basis for an appropriate exchange of information within the Community, including information on the implementation of the international notification scheme;

Whereas to this end the Commission will report to the Council and to the European Parliament, at regular intervals, in particular on any possible reaction from the country of destination;

Whereas Council Resolution 88/C 170/1 of 16 June 1988⁽⁹⁾ invited the Commission to submit proposals with a view to the possible adjustment of the Regulation so as to introduce a PIC scheme similar to that established by the UNEP and the FAO;

Whereas it is proper that the citizens of the Community receive no less protection than that afforded to the citizens of other importing countries participating in the international PIC scheme;

Whereas a single contact point for Community interaction with the international PIC scheme is desirable in order to coordinate and disseminate information;

Whereas, in light of the single European market of 1993, it is necessary to establish common conditions for the import and export of substances covered by the PIC scheme;

Whereas Annex I lists the chemicals banned or severely restricted in the Community and whereas this list should be subject to review at intervals and amendment as necessary; whereas any such amendment to Annex I should be made on the basis of proposals from the Commission and should be the subject of a decision by the Council by a qualified majority;

Whereas Annex II comprises a list of chemicals subject to the PIC procedure, the list of countries participating in the PIC procedure and the decisions of these countries regarding the import of the listed chemicals; whereas these lists and decisions will be amended at intervals jointly by the UNEP and the FAO; whereas the amendments should be adopted into Annex II of this Regulation following their publication by the Commission in the Official Journal of the European Communities;

(9) OJ No C 170, 29.6.1988, p. 1.

Whereas Annex III identifies the information which should be included in the notification of the export to a third country of a chemical listed in Annex I; whereas to facilitate the amendment of Annex III, a system should be set up providing for close collaboration between the Member States and the Commission by means of a Committee for the adaptation of that Annex to technical progress;

Whereas the Regulation excludes chemicals intended for analytical or research and development purposes;

Whereas the Commission, in the light of the operation of this Regulation, may propose to the Council appropriate amendments thereto,

HAS ADOPTED THIS REGULATION:

Article 1
Objectives

1. The purpose of this Regulation is to establish a common system of notification and information for imports from and exports to third countries of certain chemicals which are banned or severely restricted on account of their effects on human health and the environment and to participate in the international notification and "prior informed consent" (PIC) procedure established by the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization (FAO) (*).
2. This Regulation does not apply to substances or preparations imported or exported for the purposes of analysis or research and development where the quantities involved are sufficiently small that they are not likely to adversely affect human health or the environment.

Article 2
Definitions

For the purposes of this Regulation, the following definitions shall apply :

1. "chemical subject to notification"

means any of the chemical substances listed in Annex I and to preparations for which there is a labelling obligation due to the presence of a substance listed in Annex I ;

- (*) London Guidelines for the Exchange of Information on Chemicals in International Trade, Decision 14/27 of the Governing Council of UNEP of 17 June 1987 as amended May 1989;
FAO International Code of Conduct on the Distribution and Use of Pesticides, Rome 1986, as amended November 1989.

2. "chemical subject to the PIC-procedure"

means each chemical listed in Annex II, whether by itself or in a mixture or preparation, whether manufactured or obtained from nature, unless its concentration in the mixture or preparation is insufficient for a labelling requirement;

3. "banned chemical"

means a chemical which has, for health or environmental reasons, been prohibited for all uses by final governmental regulatory action;

4. "severely restricted chemical"

means a chemical for which, for health or environmental reasons, virtually all uses have been prohibited nationally by final governmental regulatory action, but for which certain specific uses remain authorized;

5. "export" means

(a) the permanent or temporary export of products meeting the conditions of Article 9 (2) of the Treaty;

(b) the re-export of products not meeting the conditions of Article 9(2) of the Treaty;

6. "import"

means any physical introduction of products into the customs territory of the Community meeting the conditions of Article 10(1) of the Treaty;

7. "prior informed consent" or "PIC"

means the principle that international shipment of a chemical that is banned or severely restricted in order to protect human health or the environment should not proceed without the agreement, where such

agreement exists, or contrary to the decision of the designated national authority of the importing country ;

8. "reference number"

means the number assigned by the Commission to each chemical subject to notification when it is exported for the first time to a third country. This number remains unchanged for every subsequent export of the same chemical from the Community to the same third country.

Article 3

Designation of authorities

1. Each Member State shall designate the authority or authorities, hereinafter referred to as the "designated authority" or "designated authorities", competent for the notification and information procedures laid down by this Regulation. It shall inform the Commission of such designation.
2. As far as the participation of the Community in the international "prior informed consent" procedure is concerned, the Commission shall act as common designated authority with regard to receiving information from the competent bodies dealing with the international PIC procedure, and for providing information to these bodies on common decisions which have been taken in close co-operation and consultation with the Member States. The Commission shall advise the relevant competent bodies of its role relating to the PIC procedure.

Article 4

Exports to third countries

1. When a chemical subject to notification is exported for the first time following the date of the entry into force of Regulation (EEC) No 1734/88 (22 June 1989) from the Community to a third country, the designated authority of the State, from which it is exported shall take the necessary measures to ensure that the appropriate authorities of the country of destination receive notification of the fact. Such notification, which shall take place prior to export must comply with the requirements set out in Annex III.

The designated authority shall send a copy of such notification to the Commission, which shall forward it to the designated authorities of the other Member States and to the International Register of Potentially Toxic Chemicals (IRPTC).

The Commission shall assign a reference number to each notification received and communicate it immediately to the designated authorities of the Member States. It shall periodically publish a list of these reference numbers in the Official Journal of the European Communities, stating the chemical concerned, and the third country of destination. **Until a relevant reference number is published in the Official Journal of the European Communities, the exporter shall assume that such an export has not previously taken place unless it can obtain from the designated authority of its Member State the relevant reference number previously assigned by the Commission.**

2. The designated authority of the relevant Member State shall inform the Commission as soon as possible of any significant reaction from the country of destination. The Commission shall ensure that the other Member States are informed as soon as possible of that country's reaction.
3. **For every subsequent export of the chemical concerned from the Community to the same third country the exporter shall ensure that the export is accompanied by a reference to the number of the notification published in the Official Journal of the European Communities pursuant to the provisions of the third subparagraph of paragraph 1.**
4. Notification must be given afresh whenever major changes are made to the Community legislation concerning the marketing and use of the substances in question or whenever the labelling of the preparation in question changes.
5. As regards the transmission of information within the meaning of paragraph 1, the Member States and the Commission shall take account of the need to protect the confidentiality of data and ownership, both in the Member States and in the countries of destination.

Article 5

**Participation in the international notification and
"prior informed consent" procedure**

1. The Commission shall notify the competent bodies dealing with the international PIC procedure of the chemicals which are banned or severely restricted in the Community (Annex I). It shall provide all relevant information especially on the identity of the chemicals, their dangerous properties, Community labelling requirements and necessary precautionary measures. It shall also identify the relevant control actions and the reasons for them.

2. The Commission shall forward forthwith to the Member States information it receives regarding chemicals subject to the PIC procedure and the decisions of third countries regarding the imposition of bans or import conditions on these chemicals. The Commission shall evaluate in close cooperation with the Member States the risks posed by the chemicals. It shall then inform the International Register of Potentially Toxic Chemicals whether import into the Community of each of the chemicals shall be allowed, prohibited or restricted. Before taking its decision the Commission shall consult the Committee established under Article 20 of Council Directive 67/548/EEC⁽¹⁰⁾.

When taking such a decision, the following principles shall be observed :

- i) in the case of a substance or preparation banned by Community legislation : import consent shall be refused ;
- ii) in the case of a substance or preparation severely restricted by Community legislation : import consent shall be subject to conditions. The appropriate conditions shall be decided on a case by case basis;
- iii) in the case of a substance or preparation not banned or severely restricted by Community legislation : import consent shall not normally be refused. However, if the Commission, in consultation with Member States, considers that a proposal should be made to the Council to ban or severely restrict a substance or preparation not produced in the Community, then interim import conditions, set on a case by case basis, may be imposed until the Council has taken a decision on the proposed permanent ban or severe restriction.

(10) O.J No 196, 16.8.1967, p. 196/1.

The Commission shall pay particular attention to ensuring that its response does not conflict with existing Community legislation.

3. **Annex II** shall comprise the following:
- (i) the international list of banned and severely restricted chemicals subject to the PIC procedure established by the UNEP and FAO;
 - (ii) a list of the countries participating in the PIC scheme; and
 - (iii) the decisions of these countries (including the Community) regarding the import of the listed chemicals.

The Commission shall immediately notify the Member States of information it receives regarding changes to the above. It shall periodically publish these changes in the Official Journal of the European Communities.

4. The exporter is required to comply with the decision of the country of destination participating in the PIC procedure. Member States shall take appropriate legal measures to enable severe or dissuasive sanctions to be imposed on persons exporting chemicals subject to the international PIC procedure (Annex II) contrary to the PIC decision of the country of destination. The sanctions should, as far as possible, be the same in all Member States.

Article 6

Packaging and labelling

1. Any of the chemicals listed in Annexes I and II which are intended for export shall be subject to such measures on packaging and labelling established in pursuance of Council Directive 67/548/EEC or, as appropriate, of other Directives covering dangerous preparations⁽¹¹⁾ as are applicable in the Member State from which the goods are to be exported or in which they have been produced. This obligation shall be without prejudice to any specific requirements of the importing third country. The label need comply with only the requirements of the importing third country

(11) Council Directive 78/631/EEC (OJ No L 206, 29.7.1978, p. 13).

Council Directive 88/379/EEC (OJ No L 187, 16.7.1988, p. 14).

of the importing third country if such requirements ensure the label has all the health, safety and environment related information which EEC use would require.

2. The information on the label shall as far as practicable be given in the language(s), or in one or more of the principal languages, of the country of destination or of the area of intended use.

Article 7

Notification from third countries

1. Where the designated authority of a Member State receives a notification from the competent authority of a third country concerning the export to the Community of a chemical whose manufacture, use, handling, consumption, transport and/or sale is subject to prohibition or substantial legal restriction under that country's legislation, it shall send forthwith to the Commission a copy of that notification together with all relevant information.
2. The Commission shall forward forthwith to the Member States any notification received either directly or indirectly, together with all available information.
3. The Commission shall periodically evaluate the information received via the Member States or directly from third countries and, if necessary, submit appropriate proposals to the Council.

Article 8

Exchange of information and monitoring

1. Member States shall regularly forward to the Commission information on the operation of the notification system provided for in this Regulation.
2. The Commission shall regularly compile a report on the basis of the information provided by the Member States and forward it to the Council and the European Parliament. This report shall consist, *inter alia*, of information on participation in international notification and PIC systems,

on the cover provided by such systems and on how they are complied with by third countries.

3. As regards the information supplied pursuant to paragraphs 1 and 2, the Member States and the Commission shall take account of the need to protect the confidentiality of data and ownership.

Article 9

If a Member State applies, with respect to substances other than those in Annex I, a national system using similar information procedures in respect of third countries to those laid down in this Regulation, it shall inform the Commission, specifying the substances concerned. The Commission shall forward this information to the Member States.

Article 10

Updating of Annexes

1. The list of chemicals in Annex I shall be reviewed by the Commission at intervals particularly in the light of experience gained in implementing this Regulation, with special regard to information received pursuant to Article 9, and on the basis of developments in Community legislation concerning marketing and use and of developments within the framework of the OECD, the UNEP and the FAO. The list shall be amended as necessary by decisions taken by the Council by qualified majority on a proposal from the Commission.
2. Amendments initiated by the UNEP and the FAO to the list of chemicals subject to the international PIC procedure and to the PIC decisions of importing countries (Annex II) shall be adopted in accordance with the procedure laid down in Article 21 of Directive 67/548/EEC.
3. The amendments required for adapting Annex III to scientific and technical progress shall be adopted in accordance with the procedure laid down in Article 21 of Directive 67/548/EEC.

Article 11

1. Regulation (EEC)No 1734/88 is hereby repealed.
2. References to the Regulation repealed under paragraph 1 shall be construed as references to this Regulation.

Article 12

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

Annex I : List of chemicals banned or severely restricted to certain use owing to their effects on human health and the environment.

Annex II : Chemicals subject to the International PIC procedure and the PIC decisions of importing countries.

Annex III : Information required pursuant to Article 4

ANNEX I

List of chemicals banned or severely restricted to certain uses owing to their effects on human health and the environment

Chemical	CAS-number(*)	EINECS-number(**)
1. Mercuric oxide	21908-53-2	2446547
2. Mercurous chloride (calomel)	10112-91-1	2333075
3. Other inorganic mercury compounds		
4. Alkyl mercury compounds		
5. Alkoxyalkyl and aryl mercury compounds		
6. Aldrin	309-00-2	2062158
7. Chlordane	57-74-9	2003490
8. Dieldrin	60-57-1	2004845
9. DDT	50-29-3	2000243
10. Endrin	72-20-8	2007757
11. HCH containing less than 99,0 % of the gamma isomer	608-73-1	2101689
12. Heptachlor	76-44-8	2009623
13. Hexachlorobenzene	118-74-1	2042739
14. Camphechlor (toxaphene)	8001-35-2	2322833
15. Polychlorinated biphenyls (PCB), except mono- and dichlorinated biphenyls	1336-36-3	2156481
16. Polychlorinated terphenyls (PCT)	61788-33-8	2629682
17. Preparations with a PCB or PCT content higher than 0,01 % by weight		
18. Tris (2,3 dibromopropyl) phosphate	126-72-7	2047999
19. Tris-aziridinyi-phosphin oxide	545-55-1	2088925
20. Polybrominated biphenyls (PBB)		
21. Crocidolite	12001-28-4	
22. Chrysotile	12001-29-5	
23. Amosite	12172-73-5	
24. Anthophyllite	77536-67-5	
25. Actinolite	77536-66-5	
26. Tremolite	77536-68-6	
27. Nitrofen	1836-75-5	217-406-0
28. 1,2 Dibromoethane	106-93-4	203-444-5
29. 1,2 Dichloroethene	540-59-0	208-750-2

(*) CAS = Chemical Abstracts Service

(**) EINECS = European Inventory of Existing Commercial Chemical Substances

ANNEX II

Chemicals subject to the International PIC procedure
and the PIC decisions of importing countries

ANNEX III

Information required pursuant to Article 4

1. Identity of the substance or preparation to be exported :
 - 1.1. Substances :
 - name in nomenclature of the International Union of Pure and Applied Chemistry,
 - other names (usual name, trade name, abbreviation),
 - Einesc-number and CAS-number (if available),
 - main impurities of the substance, when particularly relevant.
 - 1.2. Preparations :
 - trade name or designation of the preparation,
 - for each substance listed in Annex I, percentage and details as specified under 1.1.
2. Information on precautions to be taken, including category of danger and risk, and safety advice.
3. The name, address, telephone and telex numbers of the designated authority from whom further information may be obtained.
4. Summary of regulatory restrictions and reasons for them.
5. Expected date of export
6. Reference number
7. Country of destination

The above information should be provided on an Export Notification Form as shown overleaf.

EXPORT NOTIFICATION FORM
FOR BANNED AND SEVERELY RESTRICTED CHEMICALS

1. EXPORT NOTIFICATION REFERENCE NUMBER:

*2. EXPORT CONSISTS OF A BANNED OR SEVERELY RESTRICTED CHEMICAL
NAME(S) OF CHEMICAL:

EINECS number: CAS number:

*3. EXPORT CONSISTS OF A PREPARATION CONTAINING ONE OR MORE BANNED OR SEVERELY RESTRICTED CHEMICAL(S)
NAME(S) OF PREPARATION:
LABELLING CODE FOR PREPARATION:

NAME(S) OF CONSTITUENT CHEMICAL(S) BANNED OR SEVERELY RESTRICTED
(i)
% IN PREPARATION: EINECS no: CAS no:
(ii)
% IN PREPARATION: EINECS no: CAS no:
(iii)
% IN PREPARATION: EINECS no: CAS no:

4. COUNTRY OF DESTINATION:
Expected date of first export:

Designated National Authorities
in the EC: in the importing country:

Representative of exporting country Official stamp

Signature
Date:

* Box 2 or box 3 to be completed.

Note : Chemical and legal data overleaf.

COMMISSION OF THE EUROPEAN COMMUNITIES
REGULATION (EEC) 1734/88
DATA SHEET FOR A BANNED OR SEVERELY RESTRICTED CHEMICAL

CHEMICAL NAME(S):

EINECS number:

CAS number:

LABELLING REQUIREMENTS FOR CHEMICAL

CLASSIFICATION:

CODE:

Risk phrases:

Safety phrases:

SUMMARY OF CONTROL ACTION AND USE(S) CONTROLLED:

REFERENCE TO EEC OR NATIONAL LEGISLATION:

REASONS SUPPORTING THE CONTROL ACTION:

ADDITIONAL INFORMATION

Note: If a preparation contains more than one chemical which is banned or severely restricted in the EC, data sheets on the additional chemicals must be attached hereto.

COMPETITIVENESS AND EMPLOYMENT IMPACT STATEMENT

I. Main reason for introducing the measure

The proposed modification to Regulation 1734/88 would provide a better protection of the population and the environment, particularly in developing countries. The Regulation lays down a notification procedure for the export of substances which are banned or severely restricted in the Community. In its Resolution 88/C170/01 the Council invited the Commission to examine the question of "prior informed consent" or PIC whereby certain dangerous substances could not be exported if the importing country had declared a ban on the import of the chemical. PIC would also provide a means whereby importing countries could specify import conditions on certain dangerous substances.

II. Features of the business in question

The proposed modification would introduce the PIC principle into the Regulation. This would bring the Community Regulation in line with schemes developed jointly by the United Nations Environmental Programme (UNEP) and the Food and Agriculture Organisation (FAO).

III. Direct obligations imposed by the measure on businesses

Exporters of chemicals banned or severely restricted by the EC will need to ensure that the chemicals are not sent to countries which have made it known to the IRPTC that imports of that chemical are banned. Or if the importing country has specified that certain conditions must be met for the import of a chemical, the exporter must comply with these conditions.

The Commission will publish in the Official Journal the list of chemicals subject to the PIC procedure, the countries taking part in the procedure, and the PIC decisions of these countries.

IV. Indirect obligations likely to be imposed on businesses by local authorities

None.

V. Special measures in respect of SMEs

None. SMEs are unlikely to be involved in the production of the dangerous chemicals affected by the Regulation.

VI. Likely effect on :

(a) the competitiveness of businesses

None. Most industrialised countries, and in particular Japan and the USA, have expressed their intent to comply with the international PIC procedure of the UNEP and FAO.

(b) Employment

None.

VII. Consultations

The proposed amendment to the Regulation has been developed in consultation with Member States. Industry was involved in the development of the UNEP/FAO scheme and our proposal is consistent with this scheme.

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