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RECOMMENDATION

of the Committee on the Environment, Public Health and Consumer Protection

on the COMMON POSITION established by the Council with a view to the adoption of a directive amending for the ninth time 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

(C3-0337/90 - SYN 130)

Rapporteur: Mr Ken COLLINS

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PE 145.362/fin.
Or. Fr.

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

* = Consultation procedure requiring a single reading

**II = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

**I = Cooperation procedure (first reading)

*** = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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At its sitting of 11 October 1989 the European Parliament delivered its opinion at first reading on the Commission proposal for a Council directive on the marketing and use of certain dangerous substances and preparations.

At the sitting of 25 October 1990 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible.

At its meeting of 9 November 1990 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Collins rapporteur.

At its meeting of 19 December 1990 it adopted the following recommendation unanimously.

The following took part in the vote: Collins, chairman and rapporteur; Scott-Hopkins, vice-chairman; Alber, Bowe, Cano Pinto (for Avgerinos), Green, Hadjigeorgiou (for Banotti), Kofoed (for Bertens), Muntingh, Partsch, Pereira, Pimenta, Pronk, Schwartzberg and Vázquez Fouz.

The recommendation was tabled on 19 December 1990.

The deadline for tabling amendments to the common position or proposals to reject it will appear on the draft agenda for the part-session at which the recommendation is to be considered.

A

RECOMMENDATION

(Cooperation procedure: second reading)

on the common position established by the Council
with a view to the adoption of a directive amending for the ninth
time 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
(COM(88) 190 final)¹

The Committee on the Environment, Public Health and Consumer Protection

- having regard to the common position of the Council (C3-337/90 - SYN 130),
Recommends that the European Parliament amend the common position as follows:

Common position of the Council

Amendments

(Amendment No. 1)

Article 1

The following point is hereby added
to Annex I to Directive 76/769/EEC:

23. Pentachlorophenol (CAS) No. 87-
86-5) and its salts and esters

shall not be used in concentration
equal to or greater than 0.1% by mass
in substances or preparations placed
on the market.

By way of exception, this provision
shall not apply to substances and
preparations intended for use in
industrial installations not
permitting the emission and/or
discharge of pentachlorophenol (PCP)
in quantities greater than those
prescribed by existing legislation.

(a) in the treatment of wood.

The following point is hereby added
to Annex I to Directive 76/769/EEC:

23. Pentachlorophenol (CAS No. 87-
86-5) and its compounds

The production and marketing of PCP
and its compounds shall be
prohibited. The marketing and use
of products treated with PCP shall
be prohibited.

By way of exception, this provision
shall not apply to substances and
preparations intended for use for
research and investigation purposes.

Delete

¹ OJ NO. C 117, 4.5.1988, p. 14

Common position of the Council

Amendments

However, treated wood may not be used:

- inside buildings whether for decorative purposes or not whatever their purpose (residence, employment, leisure);

Delete

- for the manufacture of containers intended for growing purposes and any re-treatment and the manufacture of packaging which may come into contact with or other materials which may contaminate raw, intermediate and/or finished products intended for human and/or animal consumption and any re-treatment;

Delete

(b) in the impregnation of fibres and heavy-duty textiles not intended in any case for clothing or for decorative furnishings;

Delete

(c) as a synthesizing and/or processing agent in industrial processes;

Delete

(d) By way of special exception, Member States may on a case-by-case basis, authorize on their territory specialized professionals to carry out in situ and for buildings of cultural, artistic and historical interest, or in emergencies, a remedial treatment of timber and masonry infected by dry rot fungus (*Serpula lacrymans*) and cubic rot fungi.

By way of special exception, Member States may on a case-by-case basis, authorize on their territory specialized professionals to carry out in situ and for buildings of cultural, artistic and historical interest, or in emergencies, a remedial treatment of timber and masonry infected by dry rot fungus (*Serpula lacrymans*) and cubic rot fungi.

These exceptions shall be re-examined in the light of developments in knowledge and techniques not more than three years after the implementation of the Directive.

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Common position of the Council

Amendments

In any case:

- (a) Pentachlorophenol used alone or as a component of preparations employed within the framework of the above exceptions must have a total hexachlorodibenzo paradioxin (H6CDD) content below 4 parts per million (ppm);
- (b) these substances and preparations may not:
 - be placed on the market except in packages of 20 litres or more;
 - be sold to the general public.

Without prejudice to the implementation of other Community provisions concerning the classification, packaging and labelling of dangerous substances and preparations, the packaging of such preparations should be marked clearly and indelibly:

'Reserved for industrial and professional use'.

In addition, this provision shall not apply to waste covered by Directives 75/442/EEC and 78/319/EEC.

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Without prejudice to the implementation of other Community provisions concerning the classification, packaging and labelling of dangerous substances and preparations, the packaging of such preparations should be marked clearly and indelibly:

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In addition, this provision shall not apply to waste covered by Directives 75/442/EEC and 78/319/EEC.

B

EXPLANATORY STATEMENT

This recommendation for a second reading simply re-states the position of the European Parliament as expressed in its first reading amendments adopted on 11 October 1989¹.

In its common position, the Council has introduced a completely new exceptional derogation for emergency treatment of historic buildings, and has set a limit value on the dioxin content of the preparations which may be used. In these special circumstances, the Committee on the Environment, Public Health and Consumer Protection is prepared to accept this derogation.

¹ OJ No. C 291, 20.11.89, p. 57

