

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)	
Subject 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee		29/01/2002
		PPE-DE NISTICÒ Giuseppe	
	Former committee responsible		
	ENVI Environment, Public Health, Consumer Policy		29/08/2000
		PPE-DE NISTICÒ Giuseppe	
	ENVI Environment, Public Health, Consumer Policy		29/08/2000
		PPE-DE NISTICÒ Giuseppe	
	Former committee for opinion		
	JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
	ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Competitiveness (Internal Market, Industry, Research and Space)	2426	21/05/2002
	Economic and Financial Affairs ECOFIN	2407	12/02/2002
	Transport, Telecommunications and Energy	2364	27/06/2001
	Competitiveness (Internal Market, Industry, Research and Space)	2351	30/05/2001
European Commission	Commission DG	Commissioner	
	Internal Market, Industry, Entrepreneurship and SMEs		

Key events			
20/06/2000	Legislative proposal published	COM(2000)0260	Summary
03/07/2000	Committee referral announced in		

	Parliament, 1st reading		
09/01/2001	Vote in committee, 1st reading		Summary
09/01/2001	Committee report tabled for plenary, 1st reading	A5-0003/2001	
01/02/2001	Decision by Parliament, 1st reading	T5-0043/2001	Summary
17/05/2001	Modified legislative proposal published	COM(2001)0268	Summary
27/06/2001	Council position published	09461/1/2001	Summary
05/09/2001	Committee referral announced in Parliament, 2nd reading		
05/11/2001	Vote in committee, 2nd reading		Summary
05/11/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0382/2001	
29/11/2001	Decision by Parliament, 2nd reading	T5-0623/2001	Summary
12/02/2002	Parliament's amendments rejected by Council		
26/02/2002	Formal meeting of Conciliation Committee		
09/04/2002	Report tabled for plenary, 3rd reading	A5-0171/2002	
16/04/2002	Final decision by Conciliation Committee		Summary
22/04/2002	Joint text approved by Conciliation Committee co-chairs	3617/2002	
21/05/2002	Decision by Council, 3rd reading		
30/05/2002	Decision by Parliament, 3rd reading	T5-0258/2002	Summary
25/06/2002	Final act signed		
25/06/2002	End of procedure in Parliament		
06/07/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0104(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
Committee dossier	CODE/5/15837

Documentation gateway

Legislative proposal		COM(2000)0260 OJ C 337 28.11.2000, p. 0138 E	20/06/2000	EC	Summary
Economic and Social Committee: opinion, report		CES1430/2000 OJ C 116 20.04.2001, p. 0027	29/11/2000	ESC	

Committee report tabled for plenary, 1st reading/single reading	A5-0003/2001	09/01/2001	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0043/2001 OJ C 267 21.09.2001, p. 0018-0041	01/02/2001	EP	Summary
Modified legislative proposal	COM(2001)0268 OJ C 213 31.07.2001, p. 0296 E	17/05/2001	EC	Summary
Council position	09461/1/2001 OJ C 301 26.10.2001, p. 0039	27/06/2001	CSL	Summary
Commission communication on Council's position	SEC(2001)0104	05/07/2001	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0382/2001	05/11/2001	EP	
Text adopted by Parliament, 2nd reading	T5-0623/2001 OJ C 153 27.06.2002, p. 0029-0233 E	29/11/2001	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0042	24/01/2002	EC	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A5-0171/2002	09/04/2002	EP	
Joint text approved by Conciliation Committee co-chairs	3617/2002	22/04/2002	CSL/EP	
Text adopted by Parliament, 3rd reading	T5-0258/2002 OJ C 187 07.08.2003, p. 0020-0100 E	30/05/2002	EP	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2002/45](#)

[OJ L 177 06.07.2002, p. 0021](#) Summary

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

PURPOSE : to present a proposal for a Directive amending for the 20th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (Short Chain Chlorinated Paraffins) with a view to protecting the environment and establishing an internal market in SCCP's. **CONTENT** : in the EU, Short Chain Chlorinated Paraffins (SCCP) are mainly used as an additive in metal working fluids. Other uses are as a flame retardant in rubber formulations and as an additive in paints and other coating systems. Under Council Regulation 793/93/EEC on the evaluation and control of the risks of existing substances, the Commission's Draft Recommendation on the results of the risk evaluation and risk reduction strategies for four substances, including SCCP, was finalised in July 1998. The risk assessment concluded that there is a need for specific protective measures for the aquatic ecosystem. The Commission Recommendation called for the consideration of measures at Community level, restricting the marketing and use of SCCP in particular in metalworking and leather finishing, adding that further work is necessary to establish those uses for which derogations can be justified. On the basis of this Recommendation, and in order to avoid distortions of the internal market caused by the disparity of national legislation on chlorinated paraffins, the Commission proposes to introduce harmonisation measures in the framework of Directive 76/769 on restrictions on the marketing and use of certain dangerous substances and preparations. The 20th amendment of that Directive will ban SCCP in the two areas of application cited by the Recommendation, namely in metalworking and leather finishing. With regard to the other applications of SCCP, namely as plasticiser in paints, coatings and sealants, and as flame retardant in rubber, plastics and textiles, risk reduction measures should be reconsidered within the three years of adoption of this Directive, in light of the review of scientific knowledge and technical progress. It should be noted that 11 of the EU Member States, which have fully endorsed the Commission Recommendation for SCCP, had committed themselves to PARCOM (Convention for the Prevention of Marine Pollution from land-based Sources) Decision 95/1 in 1995 under the Paris

Convention (from 1998 OSPAR Convention). This PARCOM Decision lays down the phasing out of the uses of SCCP within the following time frame: use as plasticiser in paints and coatings, use in metal working fluids, use as flame retardants in rubber, plastics and textiles by 31 December 1999; use as plasticisers in sealants by 31 December 2004. Thus, the PARCOM Decision goes further than the Commission Recommendation by including the uses of SCCP as plasticisers and flame retardants. On the other hand, the Commission Recommendation goes further than the PARCOM Decision by including the uses of SCCP in leather finishing. The European Community is not party to the PARCOM Decision. The United Kingdom did not accept the PARCOM Decision. Austria, Greece and Italy are not party to the OSPAR Convention.?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

The committee adopted the report by Giuseppe NISTICO (EPP-ED, I) approving the proposal under the codecision procedure (1st reading) subject to a few amendments. The committee felt that the directive would help ensure a high level of protection for the environment. However, it pointed out that the ban on the use of SCCPs should be extended to cover all applications which were due to have been phased out by 31 December 1999 under the 1995 PARCOM decision. It accordingly amended the Annex to include among the list of banned substances SCCP used as plasticisers in paints or coatings and those used as flame retardants in rubber, plastics or textiles, unless the non-availability of alternatives would lead to a deterioration of the safety of the product. It also wanted the Commission to review the additional uses of SCCP referred to in the OSPAR Commission and to report to Parliament on the outcome of that review.?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

The European Parliament approved the report by Mr Giuseppe NISTICO (EPP/ED, I) together with a number of amendments which seek to strengthen the draft legislation by extending the ban on the use of SCCPs to other areas such as their use as plasticisers in paints or coatings. (Please refer to the previous document).?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

The aim of the amended proposal is to clarify the original proposal, without modifying its general structure and objectives. Of the four amendments adopted by Parliament, one has been accepted and part of another amendment accepted in principle. The Commission recognises that other known uses of Short Chain Chlorinated Paraffins (SCCP) should be included in a future review of the provisions and that the European Parliament should be informed about the outcome of the review and has therefore accepted to introduce the necessary clarifications. The Commission can also accept that the proposed Directive should cover SCCP in the form of a substance or as a constituent of a preparation. The Commission has not accepted amendments that would extend the scope of the proposed ban. The basis of the Commission's proposal is that particular risks have been identified in a comprehensive risk assessment carried out in the framework of Regulation 793/1993/EEC on the evaluation and control of existing substances. Therefore, the Commission cannot accept Parliament's amendments which relate to a ban on the use of SCCP as plasticiser in paints and coatings and as flame-retardant in rubber, plastics or textiles. This would not be justified on the current knowledge about risks. However, if such risks are identified, the Directive could be adapted to technical progress. Nor has the Commission accepted to commit itself to make proposals to restrict the use of other related substances.?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

To a large extent the common position corresponds to the Commission's amended proposal. However, the Commission accepted only one amendment and the principle of part of one of the four amendments proposed by the Parliament. The amendments accepted without amendment or with only minor changes relate to: - making it clearer in the Directive that all other uses of short chain chlorinated paraffins (SCCPs) will be re-examined in the future and that the European Parliament will be kept informed of the results of that re-examination; - including SCCPs as substances or as constituents of preparations, stipulating that the targets are substances or constituents of other substances or preparations. Moreover, the Council introduced a provision whereby the ban on marketing SCCPs applies only to concentrations higher than 1% for both of the applications mentioned. With regard to the amendments not accepted by the Council, the most important relates to broadening the scope of the proposed ban to include the use of SCCPs as plasticiser in paints, coatings and sealants, and as flame retardant in rubber, plastics and textiles.?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

The Common position follows the general lines of the Commission's amended proposal. Certain changes motivated on technical grounds and a clarification were introduced. Of the four amendments adopted by the Parliament one has been accepted and part of another amendment accepted in principle by the Commission. The Commission recognises that other known uses of SCCP should be included in a future review of the provisions and that the European Parliament should be informed about the outcome of the review and has therefore accepted to introduce the necessary clarifications in its amended proposal. The Commission has also accepted that the proposed Directive should cover SCCP in the form of a substance or as a constituent of a preparation. The Commission has not accepted amendments that would extend the scope of

the proposed ban. The basis of the Commission's proposal is that particular risks have been identified in a comprehensive risk assessment carried out in the framework of Regulation 793/93/EEC on the evaluation and control of existing substances. To ban other uses or other related substances would not be justified by the current knowledge about risks. The Common Position of the Council includes, in addition to the amendments accepted by the Commission, certain changes motivated on technical grounds. These changes, which would not alter the Commission's proposal, would further clarify the scope of the proposed Directive. A clarification of the scope of the future review was also included. The Commission supports the Common Position because it follows the lines of its amended Proposal. The Commission made a declaration at the adoption of the Council common position concerning point 2 of the Annex to the Directive: "The Commission stated that it would examine all the remaining known uses and counted on the Member States' support in this work."?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

The committee adopted the report by Giuseppe NISTICO' (EPP-ED, I) amending the Council's common position under the codecision procedure (2nd reading). The committee reinstated two amendments adopted by Parliament at first reading which sought to extend the scope of the proposed ban in accordance with PARCOM Decision 95/1 and called on the Commission to make proposals to to reduce other uses of SCCPs. ?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

The European Parliament approved the report by Giuseppe NISTICO (EPP-ED, I). Procedure without debate. (Please refer to the previous text). ?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

The Commission rejects both of the Parliamentary amendments tabled following the second reading at plenary session. The Commission is of the opinion that there is no scientific justification, under the risk assessment procedures, for the banning of SCCP as a plasticiser in paints, coating, flame retardants in rubber, plastics or textiles. On the matter of other related substances, the Commission concludes that chlorinated paraffins are currently subject to risk assessment and could, if appropriate, be subject to risk reduction measures once risk assessments have been finalised. Taking these points into account, the Commission has decided to deliver a negative opinion on the two amendments and is accordingly not modifying its proposal.?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

On 6 February 2002, following a dialogue held the previous day, Parliament's delegation decided to accept a Council compromise text on Parliament's first amendment (recital 1 - on extending the scope of the proposed ban in accordance with PARCOM Decision 95/1). The text stated that Community risk assessments and the relevant scientific evidence in support of the PARCOM Decision would be taken into account. A further dialogue was held on 19 March 2002 to discuss Parliament's second amendment (recital 4 - calling on the Commission to make proposals to reduce other uses of SCCPs), and agreement was finally reached at that meeting on a text which met the European Parliament's concerns. The text reads as follows: "The remaining uses of all chlorinated paraffins are to be reviewed in the light of relevant scientific knowledge, in particular with regard to emissions containing chlorinated paraffins. The Commission should make appropriate proposals to reduce such uses". On 9 April 2002 the European Parliament delegation approved the overall compromise package with the Council by written procedure.?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

The European Parliament, using its procedure without debate, approved the joint text of the Conciliation Committee on substances and dangerous preparations.?

Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. Directive 76/769/EEC)

PURPOSE : To restrict the marketing and use of short-chained chlorinated paraffins (SCCP). COMMUNITY MEASURE : Directive 45/2002/EC of the European Parliament and of the Council amending for the twentieth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (short-chained chlorinated paraffins). CONTENT : This Directive states that limitations already adopted or planned by certain Member States on the use of SCCPs following PARCOM (convention for the Prevention of Marine Pollution from Land-Based sources) Decision 95/01 directly affect the completion and functioning of the internal market. It is

necessary to approximate the laws of the Member States in this field and amend annex I to Council Directive 76/769/EEC, taking into account Community risk-assessments and relevant scientific evidence in support of PARCOM Decision 95/1. The Directive provides that SCCPs may not be placed on the market for use as substances or as constituents of other substances or preparations in concentrations higher than 1%: -in metalworking; -for fat liquoring of leather. The Directive goes onto provide that, before 01/01/03, all remaining uses of SCCPs will be reviewed by the Commission, in cooperation with the Member States and the OSPAR Commission, in the light of any relevant new scientific data on risks posed by SCCPs to health and the environment. The European Parliament will in formed of the outcome of this review. DATE FOR TRANSPOSITION : 06/07/03. DATE OF APPLICATION : 06/01/04. ENTRY INTO FORCE : 06/07/02.?