

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2004/0225(COD) Procedure completed
Dangerous substances and preparations: cancerogens, mutagens and toxic, c/m/r category 1 or 2 (29th amend. Directive 76/769/EEC)	
Subject 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 4.20.05 Health legislation and policy 4.60.08 Safety of products and services, product liability	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		30/11/2004
		PPE-DE FLORENZ Karl-Heinz	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
European Commission	Council configuration	Meeting	Date
	Employment, Social Policy, Health and Consumer Affairs2699		08/12/2005
	Commission DG	Commissioner	
	Internal Market, Industry, Entrepreneurship and SMEs		

Key events			
07/10/2004	Legislative proposal published	COM(2004)0638	Summary
25/10/2004	Committee referral announced in Parliament, 1st reading		
24/05/2005	Vote in committee, 1st reading		Summary
26/05/2005	Committee report tabled for plenary, 1st reading	A6-0163/2005	
23/06/2005	Results of vote in Parliament		
23/06/2005	Decision by Parliament, 1st reading	T6-0246/2005	Summary
08/12/2005	Act adopted by Council after Parliament's 1st reading		

18/01/2006	Final act signed		
18/01/2006	End of procedure in Parliament		
04/02/2006	Final act published in Official Journal		

Technical information

Procedure reference	2004/0225(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/6/24166

Documentation gateway

Legislative proposal	COM(2004)0638	07/10/2004	EC	Summary
Economic and Social Committee: opinion, report	CES0378/2005 OJ C 255 14.10.2005, p. 0033-0035	06/04/2005	ESC	
Committee report tabled for plenary, 1st reading/single reading	A6-0163/2005	26/05/2005	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0246/2005 OJ C 133 08.06.2006, p. 0028-0056 E	23/06/2005	EP	Summary
Draft final act	03644/3/2005	18/01/2006	CSL	

Additional information

European Commission	EUR-Lex
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Final act

Directive 2005/90 OJ L 033 04.02.2006, p. 0028-0081 Summary
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Dangerous substances and preparations: cancerogens, mutagens and toxic, c/m/r category 1 or 2 (29th amend. Directive 76/769/EEC)

PURPOSE : to amend for the twenty-ninth 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 carcinogen, mutagen or toxic to reproduction - c/m/r).

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTENT : European Parliament and Council Directive 94/60/EC amending for the fourteenth time Directive 76/769/EEC of 27 July 1976 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 introduced a list of substances classified as category 1 or 2 carcinogen, mutagen or toxic to reproduction (c/m/r) in the Appendix of Annex I to Directive 76/769/EEC. It stipulates in points 29, 30 and 31 of Annex I of Directive 76/769/EEC that these substances may not be used in substances or preparations placed on the market for sale to the general public. These are substances which have previously been listed as carcinogen, mutagen or toxic to reproduction (c/m/r) in Annex I of Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances. Annex I of Directive 67/548/EEC is regularly updated by way of adaptations to technical progress.

Directive 94/60/EC also provides that the Commission will submit to the European Parliament and Council, no later than six months after publication of an adaptation to technical progress of Annex I to Council Directive 67/548/EEC, a proposal for a Directive governing the substances newly classified as carcinogenic, mutagenic and toxic to reproduction in categories 1 and 2, so as to update the Appendix of Annex I to Directive 76/769/EEC.

Commission Directive 2004/73/EC of 29 April 2004 adapting to technical progress for the twenty-ninth time Council Directive 67/548/EEC, and more particularly Annex I thereto, inserted 146 entries containing substances newly classified as carcinogenic category 1, 21 entries containing substances newly classified as carcinogenic category 2, 152 entries containing substances newly classified as mutagenic category 2, and 24 entries containing substances newly classified as toxic to reproduction category 2 in Annex I of Directive 67/548/EEC. It is proposed to update the Appendix of Annex I to Directive 76/769/EEC in order to govern these substances newly classified in the framework of Directive 67/548/EEC.

This twenty-ninth amendment will insert 346 entries containing substances newly classified or re-classified under Commission Directive 2004/73/EC in the Appendix of Annex I to Directive 76/769/EEC. However, among these 346 entries, 304 contain substances which were already subject to a restriction for sale to the general public due to an earlier classification as c/m/r substance of category 1 or 2. Therefore, only 42 of these entries relate to substances that will be subject for the first time to the restriction for sale to the general public provided in points 29, 30 and 31 of Annex I of Directive 76/769/EEC.

Among the 146 entries containing substances newly classified as carcinogenic category 1, 145 cover substances which were previously classified as carcinogenic category 2. Therefore, the list relating to carcinogens category 2 needs to be amended accordingly. In addition, a number of entries in the Appendix of Annex I to Directive 76/769/EEC need to be amended to update the content of the column entitled "Notes". This update concerns four entries related to substances classified as carcinogenic category 1, 36 entries related to substances classified as carcinogen category 2, six entries related to substances classified as mutagen category 2, two entries related to substances classified as toxic to reproduction category 1 and three entries related to substances classified as toxic to reproduction category 2.

Dangerous substances and preparations: cancerogens, mutagens and toxic, c/m/r category 1 or 2 (29th amend. Directive 76/769/EEC)

The committee adopted the report by its chairman, Karl-Heinz FLORENZ (EPP-ED, DE), approving the proposal unamended under the 1st reading of the codecision procedure.

Dangerous substances and preparations: cancerogens, mutagens and toxic, c/m/r category 1 or 2 (29th amend. Directive 76/769/EEC)

The European Parliament adopted a resolution drafted by Karl-Heinz FLORENZ (EPP-ED, DE), approving the Commission's proposal.

Dangerous substances and preparations: cancerogens, mutagens and toxic, c/m/r category 1 or 2 (29th amend. Directive 76/769/EEC)

PURPOSE: to amend Council Directive 76/769 for the 29th time.

PROPOSED ACT: Directive of the European Parliament and of the Council amending, for the 29th time, Council Directive 76/769 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 carcinogenic, mutagenic or toxic to reproduction ?c/m/r).

CONTENT: Council Directive 76/776 lays down restrictions on the marketing and use of certain dangerous substances and preparations in order to improve human health and consumer safety. The Annexes to this Directive are being amended in line with new substances which have been added. Specifically, Directive 2004/73 adapting technical progress for the 29th time Directive 67/548 includes 146 entries containing substances newly classified as carcinogenic category 1; 21 entries containing substances newly-classified as carcinogenic category 2; 152 entries containing substances newly-classified as mutagenic category 2 and 24 entries containing substances newly-classified as toxic to reproduction category 2.

In addition, Directive 2004/73 amends the notes relating to the identification, classification and labelling ascribed to four substances classified as carcinogenic and labelling ascribed to four substances classified as carcinogenic category 1; 36 entries containing substances classified as mutagenic category 2; two entries containing substances classified as toxic to reproduction category 1 and three entries containing substances classified as toxic to reproduction category 2.

This Directive also applies to Community legislation laying down minimum requirements for the protection of workers and on the protection of workers from the risks related to exposure to carcinogens or mutagens at work.

TRANSPOSITION: Member States must adopt all the necessary provisions in relations to the Directive and report them to the Commission by 24 February 2007. The measures must apply as from 24 August 2007.

ENTRY INTO FORCE: 24 February 2006.