

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	2008/0033(COD) Procedure completed
Dangerous substances and preparations: restrictions on the marketing and use of dichloromethane	
Subject 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 4.15.15 Health and safety at work, occupational medicine 4.60.04 Consumer health	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 ENVI Environment, Public Health and Food Safety		03/03/2008
		Vers/ALE SCHLYTER Carl	
	Committee for opinion	Rapporteur for opinion	Appointed
	 IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2937	23/04/2009
European Commission	Commission DG	Commissioner	
	Internal Market, Industry, Entrepreneurship and SMEs	VERHEUGEN Günter	

Key events			
14/02/2008	Legislative proposal published	COM(2008)0080	Summary
11/03/2008	Committee referral announced in Parliament, 1st reading		
09/09/2008	Vote in committee, 1st reading		Summary
12/09/2008	Committee report tabled for plenary, 1st reading	A6-0341/2008	
13/01/2009	Debate in Parliament		
14/01/2009	Decision by Parliament, 1st reading	T6-0017/2009	Summary
23/04/2009	Act adopted by Council after Parliament's 1st reading		
06/05/2009	Final act signed		

06/05/2009	End of procedure in Parliament		
03/06/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/0033(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/59542

Documentation gateway

Legislative proposal	COM(2008)0080	14/02/2008	EC	Summary
Document attached to the procedure	SEC(2008)0192	14/02/2008	EC	
Document attached to the procedure	SEC(2008)0193	14/02/2008	EC	
Committee draft report	PE407.937	16/06/2008	EP	
Amendments tabled in committee	PE409.588	17/07/2008	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0341/2008	12/09/2008	EP	
Economic and Social Committee: opinion, report	CES1504/2008	17/09/2008	ESC	
Text adopted by Parliament, 1st reading/single reading	T6-0017/2009	14/01/2009	EP	Summary
Commission response to text adopted in plenary	SP(2009)693	11/02/2009	EC	
Draft final act	03610/2009/LEX	06/05/2009	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2009/455](#)
[OJ L 137 03.06.2009, p. 0003](#) Summary

Dangerous substances and preparations: restrictions on the marketing and use of dichloromethane

PURPOSE: to restrict the sale and use of paint strippers containing Dichloromethane.

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

BACKGROUND: Dichloromethane (DCM), CAS number 75-09-2 and EINECS number 200-838-9, is a colourless, halogenated aliphatic hydrocarbon compound with a penetrating ether-like or mild sweet odour. It is mainly used in the production of pharmaceuticals, solvent and auxiliary applications, paint strippers manufacture and adhesives.

The risks posed to human health by Dichloromethane (DCM) in paint strippers have been assessed in several studies which concluded that risk reduction measures are required throughout the EU to reduce the risks posed to human health during the application of DCM at industrial, professional and consumer level. The results of those studies were evaluated by the Commission's Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE - later named SCHER), which confirmed that the exposure to DCM released from paint strippers is of concern for human health.

During the last four years discussions have taken place between the Commission, Member States and other stakeholders. Despite strongly divergent opinions on the risks associated with DCM and on the safety of alternatives, an agreement has been reached on the need for marketing and use restrictions at Community level under Council Directive 76/769/EEC to limit the risks from DCM.

CONTENT: the main aspects of the proposal are:

- due to the fact that there is a need for limiting the risks during industrial, professional and consumer uses of DCM-based paint strippers, certain restrictions on placing on the market and use should be applied. The present Decision would amend Annex I to Directive 76/769/EEC by adding Dichloromethane, which will ensure harmonised rules applied at Community wide level.
- for the activities conducted in industrial installations some mandatory requirements should be applied, in order to increase the protection of workers, such as: the use of appropriate protective gloves, the installation of local ventilation or independent air supply respiratory protective equipment, and modification of the strip tanks, to ensure reduction of exposure of workers.
- professional uses should be banned in general, but Member States could opt to allow further use on their territories by specifically licensed professionals for those activities where they believe that the replacement of DCM is particularly difficult or inappropriate. Licenses should be subject to specific training requirements.
- lastly, a total ban on the placing on the market of paint strippers containing DCM for consumer uses should be applied as this is the only effective measure to eliminate the risks.

Dangerous substances and preparations: restrictions on the marketing and use of dichloromethane

The Committee on the Environment, Public Health and Food Safety adopted a report drafted by Carl SCHLYTER (Greens/ALE, SE) and amended the proposal for a decision of the European Parliament and of the Council amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of certain dangerous substances and preparations (Dichloromethane). The committee wants a total ban on dichloromethane-based paint strippers, including for licensed professionals.

The main amendments ? made in 1st reading of codecision procedure ? are as follows :

Recitals: these have been considerably expanded in order to clarify the purposes and provisions of the legislation. Members note that dichloromethane (DCM) is being used in very high concentration in paint stripping products. It is very volatile and has a narcotic effect leading to depression of the central nervous system and to cardio-toxicological effects at high exposure, with a direct risk of death as a result of misuse. Alternatives to DCM with a much better human health and environmental hazard and risk profile are available.

Prohibition of DCM for professional use : the committee also notes in the recitals that professional use of DCM-based paint strippers regularly exceeds occupational exposure limits (OELs), despite good ventilation, and even when used outdoors. Compliance with the OELs is practically non-existent, as users lack adequate measuring equipment and do not make use of adequate personal protection measures. Enforcement of the OELs is inherently inadequate due to the large number, small size and mobile nature of the enterprises involved. Accordingly, DCM should be completely banned also for licensed professionals. The committee deleted the derogation which authorised the supply of paint strippers containing dichloromethane to licensed professionals. It also deleted the clauses on training for professionals, stating that training will not rectify problems of non-compliance.

Limit values for industrial use: Members point out that in November 2007, the Scientific Committee on Occupational Exposure Limits recommended limit values for an eight hour Time Weighted Average and for a 15 minute Short Term Exposure Level. It is appropriate to establish these levels as maximum limits that are to be achieved by effective exhaust ventilation for industrial use, without prejudice to any lower levels set pursuant to national legislation. Accordingly, paint strippers containing dichloromethane in concentrations equal to or greater than 0.1% by mass may be used in industrial installations only if the following conditions are met : a) operation of effective exhaust ventilation proven to ensure full compliance with national occupational exposure limits that shall not exceed 100 ppm (353 mg/m³) for an eight hour Time Weighted Average or 200 ppm (706 mg/m³) for a 15 minute Short Term Exposure Level, or proven use of respiratory protective equipment with an independent air supply; (b) all strip tanks covered when not in use; (ba) separate ventilated area for the drying of stripped articles ; (c) appropriate protective gloves and masks for operators. Members stressed that, in order to reduce exposure to DCM in industrial use as much as possible, the drying of stripped articles should take place in separate ventilated areas.

Labelling: a new recital notes that, as professionals may have access to DCM-based paint stripper despite the ban through the distribution chain intended for industrial users, a warning phrase should be included on the product. The committee strengthened the wording on packaging and labelling provisions. Paint strippers containing more than 0.1% by mass of dichloromethane shall be legibly and indelibly marked as follows: "Dangerous! Reserved for industrial uses only". The Commission had proposed "Reserved for industrial and professional uses".

Dangerous substances and preparations: restrictions on the marketing and use of dichloromethane

The European Parliament adopted by 674 votes to 17 with 8 abstentions, a legislative resolution amending the proposal for a decision of the European Parliament and of the Council amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of certain dangerous substances and preparations (Dichloromethane).

The report had been tabled for consideration in plenary by Carl SCHLYTER (Greens/ALE, SE) on behalf of the Committee on the Environment, Public Health and Food Safety.

The amendments were the result of a compromise between Parliament and Council. They ensure that a derogation for licensed professionals will be limited and that the protection of workers during the industrial use of paint-strippers containing the chemical will be strengthened.

The main amendments - adopted under 1st reading of the codecision procedure - were as follows:

Prohibition on use: paint strippers containing Dichloromethane in a concentration equal to or greater than 0.1% by mass will not be: (a) placed on the market for the first time for supply to the general public or to professionals 18 months after the entry into force of the Decision; (b) placed on the market for supply to the general public or to professionals 30 months after the entry into force of the Decision; (c) used by professionals 36 months after the entry into force of the Decision.

Derogation: by way of derogation Member States may allow on their territories and for certain activities the use by specifically trained professionals of paint strippers containing Dichloromethane and may allow the placing on the market of such paint strippers for supply to those professionals. A professional benefiting from this derogation shall operate only in Member States which have made use of that derogation

Member States making use of this derogation must define appropriate provisions for the protection of the health and safety of those professionals using paint strippers containing Dichloromethane and inform the Commission thereof. Those provisions must include a requirement that a professional shall hold a certificate that is accepted by the Member State in which he operates, or provide other documentary evidence to that effect, or be otherwise approved by that Member State, so as to demonstrate that he is properly trained and competent to safely use paint strippers containing Dichloromethane. The Commission will prepare a list of the Member States that have made use of this derogation and make it publicly available over the Internet.

Industrial installations: paint strippers containing Dichloromethane in concentrations equal to or greater than 0.1% by mass may be used in industrial installations only if as a minimum certain prescribed conditions are met. These conditions include effective ventilation in all processing areas; specified measures to minimise evaporation from strip tanks; specified measures for the safe handling of Dichloromethane in strip tanks; the availability of specific personal protective equipment; and adequate information, instruction and training in the use of such equipment is provided to operators.

Training: the compromise text lays down the minimum training requirements, which include awareness, evaluation and management of risks to health, including information on existing substitutes or processes, which under their conditions of use are less hazardous to workers' health and safety.

Employers and self-employed workers shall by preference replace Dichloromethane with a chemical agent or process which, under its conditions of use, presents no risk, or a lower risk, to workers' health and safety. The professional shall apply all relevant safety measures in practice including the use of personal protective equipment.

Dangerous substances and preparations: restrictions on the marketing and use of dichloromethane

PURPOSE: to restrict the sale and use of paint strippers containing Dichloromethane.

LEGISLATIVE ACT: Decision No 455/2009/EC of the European Parliament and of the Council amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of dichloromethane.

CONTENT: following a first reading agreement between Parliament and Council, this Decision imposes a ban on the supply to consumers of paint strippers containing dichloromethane (DCM), which is commonly used for domestic purposes to remove paints, varnishes and lacquers. It also imposes restrictions better to control and reduce the risks involved in industrial and professional uses.

The risks posed to human health by dichloromethane (DCM) in paint strippers were assessed in several studies which concluded that risk reduction measures were required throughout the Community to reduce the risks posed to human health during the application of DCM at industrial, professional and consumer levels.

Accordingly, paint strippers containing dichloromethane in a concentration equal to or greater than 0.1% by weight shall not be:

- placed on the market for the first time for supply to the general public or to professionals after 6 December 2010;
- placed on the market for supply to the general public or to professionals after 6 December 2011;
- used by professionals after 6 June 2012.

However, by way of derogation, Member States may allow specifically trained professionals to use paint strippers containing dichloromethane and may allow the placing on the market of such paint strippers for supply to those professionals. Member States making use of this derogation must ensure that a professional holds a certificate demonstrating proper training and competence to use paint strippers containing dichloromethane safely. The Decision sets out the minimum criteria for appropriate training.

Paint strippers containing dichloromethane in concentrations equal to or greater than 0.1% by weight may be used in industrial installations only if as a minimum certain prescribed conditions are met. These include effective ventilation in all processing areas and personal protective equipment that complies with Directive 89/686/EEC.

The Decision modifies Council Directive 76/769/EEC on restrictions in the marketing of dangerous substances.

ENTRY INTO FORCE : 06/06/2009