



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.2.2002
SEC(2002) 226 final

1999/0269 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

**common position of the Council on the adoption
of a European Parliament and Council Directive amending for the nineteenth time
Council Directive 76/769/EEC relating to restrictions on the marketing and use
of certain dangerous substances and preparations (azo colourants)**

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1. STATE OF PROCEDURE

- The above mentioned proposal [COM(1999) 620 final] was adopted by the Commission on 10th December 1999 and then transmitted to the Council and European Parliament.
- The European Parliament approved the proposal with amendments in the first reading on 7th September 2000.
- The Commission's amended proposal [COM(2000) 785 final] was adopted on 29th November 2000 and then transmitted to the Council.
- The Council reached a political agreement with a qualified majority on 26th November 2001 and adopted its Common Position on 18.2.2002.
- The Economic and Social Committee gave its Opinion on 25th May 2000.

2. OBJECTIVE OF THE DIRECTIVE

The Proposal, which is based on Article 95 of the Treaty, has the following two objectives:

- to preserve the Internal Market by introducing harmonised provisions with regard to the marketing and use of azo colourants;
- to provide a high level of protection of consumers' and workers' health by restricting the marketing and use of certain azo dyes in textile and leather articles which might come in close contact with the skin.

3. COMMENTS ON THE COMMON POSITION

3.1. General

The Common Position follows the general lines of the Commission's amended proposal.

Certain changes, which clarify and strengthen the provisions, were introduced.

3.2. Amendments

Of the five amendments adopted by the Parliament one has been accepted and parts of another amendment accepted in principle by the Commission.

The Commission recognises that the technical progress in testing methods should be taken into account and has therefore accepted to introduce, when available, an even more reliable testing method.

The Commission shares the view that the risks posed by hand-made oriental carpets is likely to be low and has accepted to exempt such carpets from the example list of product categories covered by the provisions. The Commission can also accept, in order to further clarify the scope of the provisions, to add two more product categories to the example list.

The Commission has not accepted amendments which would extend the scope of the proposed ban. The basis for the Commission's proposal is that risks to health have been identified from azo dyes in textiles and leather that come in close and prolonged contact with the skin. Such risks have been confirmed by the Scientific Committee in Toxicity, Ecotoxicity and the Environment.

Finally, for reasons of clarity and transparency, especially for suppliers in the Third World, the Commission has proposed the most widely used and accepted testing method to show compliance. The inclusion of additional testing methods has not been accepted.

3.3. The Common Position of the Council

The Common Position of the Council includes, in addition to the amendments accepted by the Commission, certain changes that would clarify and strengthen the proposed Directive.

The Common Position of the Council provides for the introduction and review of testing methods by Committee procedure. This is acceptable to the Commission as it would facilitate the introduction of the most reliable and up-to-date testing method and ensure its uniform application.

In the light of recent scientific and technical information an additional carcinogenic amine is included in the list of banned amines. The Commission can support this addition.

The Common Position provides for a time-limited exemption for recycled fibres previously dyed with azo dyes. The Commission can support this exemption as this would not pose a significant risk to consumers and would prevent serious economic implications.

Furthermore, the Commission can agree to the requirement in the Common Position of a future review of the provisions in the light of new scientific knowledge, especially with regard to possible risks to children.

4. CONCLUSION

The Commission supports the Common Position because it follows the lines of its amended proposal.

5. STATEMENTS BY THE COMMISSION

The Commission made statements on Article 2 and Annex I to the Directive and a joint statement with the Council on Article 2.