

# EUROPEAN PARLIAMENT

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7 September 2000

1999/0269(COD) – PE1

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## **POSITION OF THE EUROPEAN PARLIAMENT**

adopted at first reading on 7 September 2000 with a view to the adoption of European Parliament and Council Directive 2000/.../EC amending for the nineteenth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (azocolourants) (1999/0269(COD) – PE1)

PE 295.888

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## **POSITION OF THE EUROPEAN PARLIAMENT**

**adopted at first reading on 7 September 2000**

**with a view to the adoption of European Parliament and Council Directive 2000/.../EC amending for the nineteenth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (azocolourants)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>2</sup>,

Acting in accordance with the procedure referred to in Article 251 of the Treaty<sup>3</sup>,

Whereas:

- (1) Under Article 14 of the Treaty, an area without internal frontiers is to be established in which the free movement of goods, persons, services and capital is ensured.
- (2) Work on the internal market should gradually improve the quality of life, health protection and consumer safety. The measures provided for in this Directive ensure a high level of health and consumer protection.
- (3) Azodyed textile and leather articles have the capacity to release certain arylamines, which may pose cancer risks.

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<sup>1</sup> *OJ C 89 E, 28.3.2000, p. 67.*

<sup>2</sup> *OJ C 204, 18.7.2000, p. 90.*

<sup>3</sup> *Position of the European Parliament of 7 September 2000.*

- (4) Limitations already adopted or planned by certain Member States on the use of azodyed textile and leather articles concern the completion and functioning of the internal market. It is therefore necessary to approximate the laws of the Member States in this field and consequently to amend Annex I to Council Directive 76/769/EEC<sup>1</sup>.
- (5) The Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE), after being consulted by the Commission, has confirmed that cancer risks, posed by textile and leather goods coloured by certain azodyes give cause for concern.
- (6) In order to protect human health, the use of dangerous azocolourants and the placing on the market of some articles coloured with such dyes should be prohibited.
- (7) For common fabrics, the test methods to be used in demonstrating conformity with the rules set out in this Directive are established in the Annex. ***The Commission will monitor very carefully the development of further test methods and will adjust the annex to this Directive as soon as even more reliable test methods are available.***
- (8) ***Since an individual test of handmade oriental carpets would destroy them and the risk to health from oriental carpets is probably not particularly great, such carpets are temporarily exempted from the provisions of this Directive . However, in order to provide consumers and workers with better protection, all oriental carpets manufactured from 1 January 2006 onwards should be included. In the meantime it would be desirable if carpet importers were to develop a voluntary quality mark for labelling those carpets for which the suppliers can already provide guarantees that they have been produced without using azocolourants.***
- (9) This Directive applies without prejudice to Community legislation laying down minimum requirements for the protection of workers contained in Council Directive 89/391/EEC<sup>2</sup> and in individual directives based thereon, in particular Council Directive 90/394/EEC<sup>3</sup> and Council Directive 98/24/EC<sup>4</sup>,

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<sup>1</sup> OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 1999/77/EC (OJ L 207, 6.8.1999, p. 18).

<sup>2</sup> OJ L 183, 29.6.1989, p. 1.

<sup>3</sup> OJ L 196, 26.7.1990, p. 1.

<sup>4</sup> OJ L 131, 5.5.1998, p. 11.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 December 2001 [one year after the date of the entry into force of this Directive]. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 July 2002 [eighteen months after the date of entry into force of this Directive].

2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at \_\_\_\_\_ ,

For the European Parliament

The President

For the Council

The President

## ANNEX

The following point 43 is added to Annex I to Directive 76/769/EEC:

“43 Azo colourants	<ol style="list-style-type: none"><li>1. Azodyes that may release, by reductive cleavage of one or more azo groups, one or more of the aromatic amines listed in Appendix, in concentrations above 30 ppm in the finished articles, according to the testing method specified in Appendix, may not be used in <b><i>the following</i></b> articles which have the potential of coming into direct and prolonged contact with the human skin or oral <b><i>cavity</i></b>:<ul style="list-style-type: none"><li>- <b><i>clothing</i></b>, bedding, towels, hairpieces, wigs, hats, nappies and other sanitary items, <b><i>sleeping bags</i></b>,</li><li>- footwear, gloves, wristwatch straps, handbags, purses/wallets, briefcases, chair covers, <b><i>purses worn round the neck</i></b>,</li><li>- <b><i>toys</i></b>,</li><li>- <b><i>carpets (except for handmade oriental carpets)</i></b>.</li></ul></li><li>2. Furthermore, <b><i>the articles</i></b> referred to in point 1 above may not be placed on the market unless they conform to the requirements set out in that point.”</li></ol>
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The following is added to the Appendix to Annex I to Directive 76/769/EEC:

“Point 43 Azo colourants  
A. List of aromatic amines

	<b>CAS number</b>	<b>Index number</b>	<b>EC number</b>	<b>Substances</b>
1	92-67-1	612-072-00-6	202-177-1	biphenyl-4-ylamine 4-aminobiphenyl xenylamine
2	92-87-5	612-042-00-2	202-199-1	benzidine
3	95-69-2		202-441-6	4-chloro-o-toluidine
4	91-59-8	612-022-00-3	202-080-4	2-naphthylamine
5	97-56-3	611-006-00-3	202-591-2	o-aminoazotoluene 4-amino-2',3-dimethylazobenzene 4-o-tolylazo-o-toluidine
6	99-55-8		202-765-8	5—nitro-o-toluidine
7	106-47-8		203-401-0	4-chloroaniline
8	615-05-4		210-406-1	4-methoxy-m-phenylenediamine
9	101-77-9	612-051-00-1	202-974-4	4,4'-methylenedianiline 4,4'-diaminodiphenylmethane
10	91-94-1	612-068-00-4	202-109-0	3,3'-dichlorobenzidine 3,3'-dichlorobiphenyl-4,4'-ylenediamine
11	119-90-4	612-036-00-X	204-355-4	3,3'-dimethoxybenzidine o-dianisidine
12	119-93-7	612-041-00-7	204-358-0	3,3'-dimethylbenzidine 4,4'-bi-o-toluidine
13	838-88-0	612-085-00-7	212-658-8	4,4'-methylenedi-o-toluidine
14	120-71-8		204-419-1	6-methoxy-m-toluidine p-cresidine
15	101-14-4	612-078-00-9	202-918-9	4,4'-methylene-bis-(2-chloro-aniline) 2,2'-dichloro-4,4'-methylene-dianiline
16	101-80-4		202-977-0	4,4'-oxydianiline
17	139-65-1		205-370-9	4,4'-thiodianiline
18	95-53-4	612-091-00-X	202-429-0	o-toluidine 2-aminotoluene
19	95-80-7	612-099-00-3	202-453-1	4-methyl-m-phenylenediamine
20	137-17-7		205-282-0	2,4,5-trimethylaniline
21	90-04-0	612-035-00-4	201-963-1	o-anisidine 2-methoxyaniline
<b>22</b>	<b>95-68-1</b>			<b>2,4 xylidine</b>
<b>23</b>	<b>87-62-7</b>			<b>2,6 xylidine</b>

## B. Analytical methods

Analysis	Method
1. Detection of the use of banned azodyes in the manufacture and treatment of coloured textile commodities, particularly those made of cellulose and protein fibres (cotton, viscose, wool, silk).	1. The presence of the amines listed in section A above are to be tested according to the German official method of analysis referred to as “Untersuchung von Bedarfsgegenständen – Nachweis der Verwendung bestimmter Azofarbstoffe aus textilen Bedarfsgegenständen” published in the “Amtliche Sammlung von Untersuchungsverfahren nach § 35 des Lebensmittel- und Bedarfsgegenständegesetzes, Gliederungsnummer B 82.02-2, Januar 1998 <sup>1</sup> ”.
2. Detection of the use of banned azodyes in the manufacture and treatment of coloured polyester fibres commodities.	2. The presence of the amines listed in section A above are to be tested according to the German official method of analysis referred to as “Untersuchung von Bedarfsgegenständen – Nachweis der Verwendung bestimmter Azofarbstoffe aus Polyesterfasern Bedarfsgegenständen” published in “Amtliche Sammlung von Untersuchungsverfahren nach § 35 des Lebensmittel- und Bedarfsgegenständegesetzes, Gliederungsnummer B 82.02-4, Januar 1998 <sup>1</sup> ”.
3. Detection of the use of banned azodyes in the manufacture and treatment of coloured leather commodities.	3. The presence of the amines listed in section A above <i>is</i> to be tested, <b><i>pending the conclusion of the work of Technical Committee 289 on Leather, either according to the Italian method UNI A90.00.028.0 of 1998 or</i></b> according to the German official method of analysis referred to as “Untersuchung von Bedarfsgegenständen – Nachweis bestimmter Azofarbstoffe in Leder” published in “Amtliche Sammlung von Untersuchungsverfahren nach § 35 des Lebensmittel- und Bedarfsgegenständegesetzes, Gliederungsnummer B 82.02-3, März 1997 <sup>1</sup> ”

<sup>1</sup> Obtainable from the Beuth-Verlag GmbH, Berlin and Köln.