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*****III**

REPORT

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive amending for the twenty-third time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction) (PE-CONS 3606/2003 – C5-0016/2003 – 2001/0110(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Giuseppe Nisticò

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

At the sitting of 5 February 2002 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive amending for the twenty-third time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction) (COM(2001) 256 – 2001/0110 (COD)).

At the sitting of 13 June 2002 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (8328/1/2002 – C5-0267/2002).

At the sitting of 10 October 2002 Parliament adopted amendments to the common position.

By letter of 21 January 2003 the Council stated that it was unable to approve all Parliament's amendments.

At its meeting of 22 January 2003 the Parliament delegation approved the results of the conciliation by nine votes to one, with two abstentions.

The following took part in the vote: Renzo Imbeni, Vice-President and Chairman of the delegation; Caroline F. Jackson, Chairman of the Committee on the Environment, Public Health and Consumer Policy; Giuseppe Nisticò, rapporteur; David Robert Bowe, John Bowis, Anne Ferreira, Karl-Heinz Florenz (for Charlotte Cederschiöld), Robert Goodwill (for Giorgos Dimitrakopoulos), Françoise Grossetête, Minerva Melpomeni Malliori (for Torben Lund), Frédérique Ries (for Jules Maaten, pursuant to Rule 153(2)) and Inger Schörling.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 18 February 2003.

At the meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the same meeting it reached agreement on a joint text.

On 17 March 2003 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,¹ and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 18 March 2003.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive amending for the twenty-third time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction) (PE-CONS 3606/2003 – C5-0016/2003 – 2001/0110(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3606/2003 – C5-0016/2003),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2001) 256²),
 - having regard to its position at second reading³ on the Council common position⁴,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2002) 768 - C5-0637/2002)⁵,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0064/2003),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council to have it published in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 284 E, 21.11.2002, p. 88.

² OJ C 213 E, 31.7.2001, p. 263.

³ P5_TA-PROV(2002)0460

⁴ OJ C 197 E, 20.8.2002, p.1.

⁵ OJ C not yet published.

EXPLANATORY STATEMENT

Background

1. On 14 May 2001 the Commission submitted a proposal for a directive amending for the twenty-third time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction). The proposal, based on Article 95 of the Treaty, has the following two objectives: to safeguard the internal market by introducing harmonised provisions on the marketing and use of the abovementioned substances and to achieve a high level of protection for human health and the environment.
2. On 5 February 2002 Parliament adopted two amendments at first reading and the Council subsequently adopted its common position on 3 June 2002. At second reading Parliament adopted an amendment to a recital on 10 October 2002.

Conciliation

3. The Parliament delegation was constituted on 9 January 2002 by written procedure. The chairman of the delegation Renzo Imbeni and the rapporteur Giuseppe Nisticò met the Council at a trialogue meeting in Strasbourg on 14 January.
4. Coreper approved the outcome of the negotiations on 15 January, followed on 22 January by Parliament's delegation. At the meeting of the Conciliation Committee on 18 February 2003 this item was approved without debate.
5. On the basis of the agreement on the only point at issue in conciliation the Commission is invited to submit, as soon as possible, a legislative proposal aimed at banning the use of products containing classified substances such as carcinogens, mutagens or substances toxic to reproduction, where there is scientific evidence that they are released by such products, thereby exposing the general public to risks.

Conclusions

The delegation considers the outcome satisfactory for Parliament and recommends that plenary approve the joint text.