6. The Committee urges the Commission and the Council to ensure that the MUCPI is not put to inappropriate use.

7. The Committee wishes to be consulted promptly on the gradual compilation of the consumer price indices provided for in the proposed Regulation.

Done at Brussels, 31 May 1995.

The President
of the Economic and Social Committee
Carlos FERRER

Opinion on the proposal for a European Parliament and Council Directive amending for the sixteenth 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 [1]

(95/C 236/04)

On 20 February 1995 the Council decided to consult the Economic and Social Committee, under Article 100a of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 2 May 1995. The Rapporteur was Mr Lerios.

At its 326th Plenary Session (meeting of 31 May 1995), the Economic and Social Committee adopted the following Opinion by a unanimous vote.

The Economic and Social Committee endorses the proposal for a sixteenth amendment, subject to the following general and specific comments:

1. General comments

1.1. The Commission proposal concerns restrictions on the marketing and use of hexachloroethane (HCE). More specifically, it bans the use of HCE:

a) in aluminium production; and

b) in the production of other non-ferrous metals, with some exemptions.

1.2. The purpose of the Commission proposal is:

a) to protect the unity of the internal market by harmonizing the conditions under which HCE may be used;

b) to protect the environment; and

c) to meet its obligations under PARCOM. (PARCOM Decisions 92/4 and 93/1 provide for the phasing out of the use of HCE in the secondary aluminium industry by 31 December 1994 and 31 December 1996 according to the category, and in the non-ferrous metal industry by 31 December 1997 respectively, with exemptions for the magnesium alloys AZ81, AZ91 and AZ92 which are subject to review in 1996.)

1.3. The Commission proposal constitutes an amendment (the sixteenth) to Directive 76/769/EEC and lays down the framework for a Directive restricting the marketing and use of dangerous substances and preparations. It should be noted that the question of subsidiarity does not arise since the proposal does not introduce completely new legislation.

1.4. The effect of the 16th Amendment will be to replace HCE with substitutes which are environmentally benign, such as nitrogen, an inert material. Ultimately,

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[1] OJ No C 382, 31. 12. 1994, p. 35.

the limitations proposed should provide a significant contribution to the protection of the North-East Atlantic environment (which was the purpose of the 1974 Paris Convention for the prevention of marine pollution from land-based sources, as implemented by the executive body, PARCOM).

2. Specific comments

2.1. Hexachloroethane (HCE) is included in the Black List of Council Directive 76/464/EEC on pollution caused by certain dangerous substances in the aquatic environment. Of course, it is not only HCE itself which pollutes the aquatic environment. Its use in the manufacture of non-ferrous metals leads to the release of chlorophenols and hexachlorobenzene, which, being cyclic hydrocarbons, damage the aquatic environment, as well as dioxins, which are among the most toxic substances known.

2.2. HCE is mainly used in industry for degassing molten metals, notably aluminium and magnesium alloys. The main users of HCE are aluminium manufacturers and processors and manufacturers of magnesium alloys. Its use has been almost completely phased out in the primary aluminium industry (manufacture) and only small quantities are used in the secondary aluminium industry (remelting). Another factor in this has been the ever rising cost of HCE associated with lower sales volumes. Use has decreased significantly in recent years as degassing is more often done with nitrogen (an inert gas) and the addition of primary metal in a vacuum.

2.3. Considerable amounts of HCE are still used in making various magnesium alloys, and small quantities are used in small aluminium foundries. The Commission's proposed 16th Amendment takes account of the special situation of small aluminium foundries and manufacturers of magnesium alloys by allowing for a temporary derogation and for exemptions, respectively.

2.4. Significantly, the Commission document mentions the fact that industry, represented by the European Aluminium Association and by the Association Européenne des Métaux, whilst favouring more exemptions to the ban, did not oppose the proposal. One large Member State maintains a reserve on the basis that it favours more exemptions.

2.5. In conclusion, the ESC recognizes that the proposed Directive harmonizes restrictions on the use of HCE in non-ferrous metal manufacture in order to:

a) prevent the creation of barriers to trade with EU states which are not party to PARCOM;

b) ensure a high level of environmental protection; and

c) enable the Commission to fulfil its legal obligations arising from the PARCOM Convention.

Done at Brussels, 31 May 1995.

The President
of the Economic and Social Committee
Carlos FERRER