Opinion on the proposal for a Council Regulation (EEC) concerning export and import of certain dangerous chemicals [1]

(91/C 191/07)

On 31 January 1991 the Council decided to consult the Economic and Social Committee, under Article 130S of the Treaty establishing the European Economic 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 17 May 1991. The Rapporteur was Mr Beltrami.

At its 287th plenary session (meeting of 29 May 1991), the Economic and Social Committee unanimously adopted the following Opinion.

1. Introduction

1.1. The proposed Regulation is intended to replace Regulation (EEC) No 1734/88 concerning exports and imports of certain dangerous chemicals.

1.2. In accordance with the preamble to Regulation (EEC) No 1734/88 and Council Resolution 88/C170/01, the proposal introduces the principle of Prior Informed Consent (PIC) and provides for EC participation in the international information and notification procedures being drawn up by the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations (FAO) for the shipment to and from third countries of certain chemicals which are banned or subject to severe restrictions because of their effects on human health or on the environment.

1.3. The Commission is thus seeking to secure uniform Community participation in the establishment of the PIC system within the framework of the International Register of Potentially Toxic Chemicals (IRPTC)/FAO, designed to enable national authorities in each country to assess the risk associated with these chemicals and make an informed decision on whether to allow import.

1.4. The Commission also proposes insertion, in the Annex to the preceding Regulation (EEC) No 1734/88, of chemicals which have been banned or subjected to severe restrictions in the Community since that Annex was adopted.

2. General Comments

2.1. The Committee approves the aims and principles of the proposal, which take up the suggestions made in Point 2.6.2.3 of the Committee Opinion on the fourth environmental action programme [2].

2.2. The Committee reiterates the importance which it attaches to all measures designed to ensure a high degree of information and safety in the transport, handling and use of dangerous chemicals both in the EC and outside, bearing in mind the increasing interdependence of safety and environmental problems.

2.3. The Committee welcomes the Commission's involvement in the work being carried out by the UNEP and FAO [as the Committee had recommended in its earlier Opinion [3]]. It urges the Commission to continue to play an active part in this work and take on a leading role to ensure rapid adoption of the PIC scheme internationally, drawing on past experiences.

2.4. The Committee is pleased to note that the Commission intends the EC provisions to incorporate the implementing arrangements for the PIC scheme contained in the UNEP London Guidelines on the exchange of information on chemicals in international trade (as amended in 1989) and in the FAO International Code of Conduct on the distribution and use of pesticides.

2.5. The Commission must endeavour to ensure that all producer and exporter countries take part in the IRPTC and PIC schemes, so that the schemes can be really effective. Their widespread adoption will also help prevent distortions of competition.

2.6. The Committee is pleased to note that over 80 countries, including the United States and Japan, have already expressed their interest in taking part in the

[1] OJ No C 17, 25 1 1991, p 16

[2] OJ No C 180, 8 7 1987

[3] OJ No C 232, 31 8 1987

voluntary PIC scheme. In the Committee's view, EC adoption of these procedures is a positive step in the international control of dangerous chemicals, and will benefit health and the environment in third countries.

2.7. Again in the interests of efficiency, the Committee urges the Community and the international organizations to implement a programme to publicize the new procedures in the importing countries, and help the less developed nations to sep up appropriate instruments enabling them to act swiftly on any information notified. To help Community businesses implement the Regulation, the Committee suggests that the Commission draw up a handbook explaining the procedures.

2.8. The Committee reiterates its view that development aid policy should include an element of information, education and training in environmental matters. Manufacturers should be encouraged to offer training and other information procedures to ensure the correct use of their products and preparations and the safety of those who work with and use them [1].

2.9. Information and safety would be further improved if all dangerous chemicals were labelled in accordance with Directive 67/548/EEC, in cases where the legislation of third country importers does not guarantee inclusion on the label of all the health, safety and environmental information required in the EC. The Committee was interested to learn that the Commission is currently considering whether to amend the proposal accordingly.

2.10. The Committee notes the work on monitoring misuse of pesticides which is being done by non-governmental organizations (such as the pesticides action network) operating in developing countries. The Committee asks the Commission to encourage such work as part of its development aid policy.

3. Specific comments

3.1. Article 2(7) of the Italian text should be brought into line with the original.

3.2. Article 4(4) should be reworded to read:

'... whenever the classification or labelling of the chemicals and preparations in question changes.'

3.3. Article 5(2)(i) should be deleted, and Article 5(2)(ii) reworded as follows:

'ii) in the case of a substance or preparation banned or severely restriced...'.

This would enable derogations to be made in the case of particular uses of the relevant substances and preparations.

3.4. The following sentence should be inserted at the end of Article 5(2):

'Directives 76/769/EEC and 79/117/EEC shall form the legal basis for the ban or severe restriction.'

3.5. Article 5(3) refers to Annex II. This Annex, which is currently blank, is to contain the PIC list. It will automatically include the chemicals and preparations listed in Annex I. In the interests of clarity, the products listed in the two Annexes should be divided into three headings covering chemicals for agricultural, industrial and consumer use respectively.

3.6. The title of Annex 1 should specify: '... on the basis of Community provisions'.

[1] OJ No C 232, 31. 8. 1987, points 1.3g and 1.5g.

Done at Brussels, 29 May 1991.

The Chairman

of the Economic and Social Committee

François STAEDELIN