MARKETING AND USE OF RESTRICTIONS

Directive 76/769/EEC

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Scope and Aims

Scope:

- Substances and preparations for which a risk has been demonstrated
- Limitations on the placing on the market
- Limitations on the use

Aims:

- Free movement in the internal market of substances and preparations that comply
- Protection of the environment and human health

Structure of directive

Four articles

- Scope
- Definitions of “substance” and “preparation”
- Transport, transit, export and research use excluded
- Member States to transpose and enforce restrictions

Annex

- Column 1: Designation of substance
- Column 2: Conditions of restriction

Annex: Example of restriction

Substance	Restriction
48. Toluene	May not be placed on the market or used as a substance or constituent of preparations in a concentration higher than 0.1% by mass in adhesives and spray paints intended for sale to the general public

Substances restricted

- 30 amendments of 76/769/EEC
- 14 adaptations to technical progress
- About 1000 substances restricted
  - Polychlorinated biphenyls, asbestos, cadmium, phthalates, creosote, nonylphenol, short chain chlorinated paraffins, brominated flame retardants, etc
  - All substances classified as CMR 1 or 2 are banned for sale to general public as substances or in preparations

Possible initiators for new restrictions

- A Member State makes a complaint, or notifies of its intention to introduce national restrictions, on the grounds that use of a substance is causing a risk to health or the environment.
- A Member State requests the Commission to take action to ban use of a substance.
- A risk assessment for a substance concludes that risk reduction measures are required.
- A substance is classification under Directive 67/548/EEC as a CMR category 1 or 2.

Establishing the scientific basis for a substance restriction

- A general risk assessment on a substance (Council Regulation (EEC) No 793/93).
- A classification of a substance as CMR category 1 or 2 (carcinogenic, mutagenic or toxic to reproduction), under Directive 67/548/EEC.
- A study (targeted risk assessment) produced for the Commission by an external contractor. This is frequently used when the restriction in question is an adaptation to technical progress.

Further information

Website

http://europa.eu.int/comm/enterprise/chemicals/legislation/markrestr/index_en.htm

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