



Consumer Affairs Directorate

STRENGTHENING CONSUMERS AND BUSINESS

Proposed 25th Amendment to the Marketing and use Directive 76/769/EEC

CONTENTS

1. INTRODUCTION

2. SUMMARY -

3. CONSULTATION DOCUMENT

4. REGULATORY IMPACT ASSESSMENT

5. ADDITIONAL MATERIAL

6. ANNEXES

Annex A. List of consultees

1. INTRODUCTION

PURPOSE OF CONSULTATION

1.1 This consultation document seeks your views on the proposed 25th Amendment to the Marketing and Use Directive (76/769/EEC)

RESPONSES

1.2 How to respond to this consultation:

by e-mail: sarada.tew@dti.gsi.gov.uk

by post: Dr Sarada Tew
Consumer Affairs Directorate
Room 432
Department of Trade and Industry
1 Victoria Street
London, SW1H 0ET

CLOSING DATE

1.3 Responses must be received by 12 April 2002.

OUTCOME

1.4 We aim to publish the outcome of this consultation by 31 May 2002

CONFIDENTIALITY

1.5 Your response to this consultation document may be made publicly available in whole or in part at the Department's discretion. If you do not wish all or part of your response (including your identity) to be made public, you must state in the response which parts you wish us to keep confidential. Where confidentiality is not requested, responses may be made available to any enquirer, including enquirers outside the UK, or published by any means, including on the Internet.

CONSULTEES

1.6 We are sending this document to the consultees listed in Annex X. Please tell us if you know of others who would be interested in receiving this consultation. It is also available by request from the sources listed in paragraph 1.2 and on our website.

HELP WITH QUERIES

1.7 If you would like help with queries or further information about this consultation please contact, in the first instance, John Griffiths 020 7215 0370 or Dr Sarada Tew 020 7215 0368

2. SUMMARY

2.1 Directive 76/769/EEC seeks to protect human health and the environment in the Member States by restricting the use of dangerous substances and preparations, listed in Annex 1 of the Directive. Member States are required to take all necessary measures to ensure that the dangerous substances and preparations listed in Annex 1 of the Directive, may only be placed on the market or used, subject to the conditions specified therein.

2.2 Commission Directive 2001/59/EC of 21 August 2001 adapting for the twenty-eighth time Directive 67/548/EEC and more particularly Annex I thereto, to technical progress, added two substances newly classified as carcinogenic *category 1*, nineteen substances newly classified as carcinogenic *category 2*, five substances newly classified as mutagenic *category 2*, one substance newly classified as toxic to reproduction *category 1* and sixteen substances newly classified as toxic to reproduction *category 2* to Annex I of Directive 67/548/EEC.

2.3 It is proposed to add these substances to the appendix concerning points 29, 30 and 31 of Annex I to Directive 76/769/EEC.

2.4 This consultation document is seeking views on the proposal and especially on the costs to Industry if the Directive is adopted and implemented in the UK.

3. MAIN CONSULTATION TEXT

The Proposed 25th Amendment to the Marketing and Use of Certain Dangerous Substances and Preparations.

Invitation to submit written or electronic views

3.1 Directive 76/769/EEC seeks to protect human health and the environment in the Member States by restricting the use of dangerous substances and preparations, listed in Annex 1 of the Directive. Member States are required to take all necessary measures to ensure that the dangerous substances and preparations listed in Annex 1 of the Directive, may only be placed on the market or used, subject to the conditions specified therein.

3.2 Commission Directive 2001/59/EC of 21 August 2001 adapting for the twenty-eighth time Directive 67/548/EEC and more particularly Annex I thereto, to technical progress, added two substances newly classified as carcinogenic *category 1*, nineteen substances newly classified as carcinogenic *category 2*, five substances newly classified as mutagenic *category 2*, one substance newly classified as toxic to reproduction *category 1* and sixteen substances newly classified as toxic to reproduction *category 2* to Annex I of Directive 67/548/EEC.

3.3 It is these substances, which the proposed 25th Amendment to Directive 76/769/EEC, will add to Annex 1 of this Directive.

3.4 The purpose of the proposed Directive is to safeguard consumers from exposure to certain carcinogens, mutagens or substances toxic to reproduction (CMRs).

3.5 The 43 substances named in the proposal have also been classified by another Directive (The Dangerous Substances Directive 67/548/EEC). Substances classified as category 1 or 2 carcinogens, category 1 or 2 mutagens or category 1 or 2 substances toxic to reproduction may cause cancer, genetic disorders and birth defects respectively. Therefore, these chemicals may not be used in substances and preparations placed on the market for sale to the general public.

3.6 The use of CMRs is restricted by Directive 76/769/EEC to professional users. Such products must be labelled "Restricted to professional users"; the label must be attached to the packaging of the substance or preparation.

3.7 Previous amendments have been implemented by use of the Dangerous Substances and Preparations regulations and the Chemical (Hazard Information and Packaging for Supply) regulations 1994.

3.8 The Department welcomes views on the proposal; their content and the possible impact on business.

3.9 It would be helpful if you could identify any additional or direct costs (recurring and non-recurring) that would be likely to arise as a result of this proposal for individual businesses. A Partial Regulatory Impact Assessment (RIA) follows. It contains some initial information but we would be grateful if you could give special consideration to areas where costs estimates are required.

4. REGULATORY IMPACT ASSESSMENT

INITIAL REGULATORY IMPACT ASSESSMENT

4.1 Proposal for a Directive of the European Parliament and of the Council amending for the 25th 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 (c/m/r)).

Issue and Objective

4.2 Issue: Directive 76/769/EEC seeks to protect human health and the environment in the Member States by restricting the use of dangerous substances and preparations listed in Annex I of the Directive. Member States are required to take all necessary measures to ensure that the dangerous substances and preparations listed in Annex I, may only be placed on the market or used subject to the conditions specified therein.

4.3 Commission Directive 2001/59/EC of 21 August 2001 adapting for the twenty-eighth time Directive 67/548/EEC added two substances newly classified as carcinogenic *category 1*, nineteen substances newly classified as carcinogenic *category 2*, five substances newly classified as mutagenic *category 2*, one substance newly classified as toxic to reproduction *category 1* and sixteen substances newly classified as toxic to reproduction *category 2* to Annex I of Directive 67/548/EEC.

4.4 Objective: It is these substances which the proposed 25th amendment to Council Directive 76/769/EEC will, if adopted, add to Annex I of this Directive.

Risk Assessment

4.5 Within the framework for action in the field of public health, the European Parliament and the Council have adopted an action plan to combat cancer. Due to the fact that the use of chemicals by consumers cannot be controlled, safety can only be ensured by prohibiting use by consumers of c/m/r substances and preparations.

4.6 Advice on the preparation of the proposal was sought through two meetings involving experts from Member States and Industry. Industry was represented by the European Chemical Industries Council (CEFIC) and Eurometaux.

Options

4.7 Option 1: the proposed Directive, which will be implemented in all Member States, thus establishing uniform rules for these additional c/m/rs.

4.8 Option2: apply voluntary guidelines or targets for Industry to ensure consumer safety.

4.9 Option 1 is the recommended option. The 25th Amendment will produce harmonised rules for the circulation of substances and preparations classified as c/m/r. It also guarantees a high level of protection of the health and safety of consumers.

4.10 Option 2 would rely on Industry adhering to voluntary guidelines or targets. However, this could not guarantee as high a level of consumer safety as Option 1 and would necessitate agreeing, drafting guidelines and introducing an effective monitoring system.

Issues of Equity or Fairness

4.11 It is considered that the proposed measure should impact equally across the whole industry. Indeed, those businesses that would comply with voluntary guidelines or targets could complain with justification that they were behaving responsibly, whilst others in Industry were not.

However, the overriding factor in this proposal is consumer safety.

Benefits

4.12 Option 1 ensures that consumers are safeguarded from the possible health risks of exposure to these c/m/rs. The proposal will be implemented by all Member States, thus applying to all sectors of Industry in the European Union.

4.13 Option 2 would have limited benefits. A proportion of companies would comply with voluntary guidelines or targets but others would choose not to do so. This would place certain companies at a disadvantage against competitors not following voluntary guidelines. Consumers would not be guaranteed protection from c/m/rs.

Quantifying and Valuing the Benefits

4.14 Until the consultation exercise has been completed, it is not possible to give a monetary value to the two options. However, it is envisaged that the costs will be low, due to the limited use of those substances by the general public.

Compliance Costs for Business, Charities and Voluntary Organisations

4.15 The proposal will not affect charities or voluntary organisations. However, the Chemical Industry will be affected by this proposal. Consultation with Industry will take place shortly and a breakdown of the compliance costs will be attached to the Full Regulatory Impact Assessment.

Recurring Compliance Costs

4.16 The recurring compliance costs will be broken down for both large and small businesses.

Non-recurring Compliance Costs

4.17 Again any non-recurring compliance costs will be broken down for both large and small businesses.

Other costs

4.18 If identified, details of these costs will be set out here. For example, any extra costs falling to the Enforcement Authorities will be provided.

Total Compliance Costs

4.19 The results from the consultation exercise will be collated and displayed.

Consultation with Small Business: "The Litmus Test"

4.20 During the consultation process, small businesses will be contacted in order to evaluate the effect of the proposals.

Result of the Consultation

4.21 The results of the consultation will be displayed on the DTI website and also available from the Consumer Safety Unit of the DTI.

Summary and Recommendation

4.22 A summary of the consultation process will be included, as will the estimates of the costs to Industry, Local Government and Central Government if appropriate.

Enforcement, Sanctions, Monitoring and Review

4.23 Local Authority Trading Standards Departments will enforce this proposal.

Declaration:

I have read the Regulatory Impact Assessment and I am satisfied that the balance between cost and benefit is the right one in the circumstances.

Signed by the Minister responsible.....

(Parliamentary Under-Secretary of State for Competition, Consumers and Markets)

Date

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5. ADDITIONAL MATERIAL

EN

ENTR 2001/158/E3 25-CMR



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, xxx
COM(2001) yyy final

2001/zzzz (COD)

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Proposal for a

**DIRECTIVE 200x/xx/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of [...]

amending, for the twenty-fifth 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 (substances classified as carcinogens, mutagens or substances toxic to reproduction – c/m/r)

EN

presented by the Commission

EXPLANATORY MEMORANDUM

1. INTRODUCTION AND CONTEXT

European Parliament and Council Directive 94/60/EC amending for the fourteenth time Directive 76/769/EEC of the 27 July 1976 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 adds a list of substances classified as *category 1* or 2 carcinogens, mutagens or substances toxic to reproduction (c/m/r) to Annex I of Directive 76/769/EEC ². It stipulates that these substances, or preparations containing them, may not be placed on the market for sale to the general public. The c/m/r-classification of these substances has been defined in Annex I of Council Directive 67/548/EEC of the 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ³. This Annex is regularly updated by way of adaptation to technical progress.

Directive 94/60/EC also invites the Commission to submit further proposals to the European Parliament and Council to add additional c/m/r substances to Annex I of Directive 76/769/EEC no later than six months after the publication of new classifications as c/m/r (categories 1 and 2) in the framework of Council Directive 67/548/EEC. The European Parliament and Council Directive 97/56/EC, 16th amendment to Directive 76/769/EEC ⁴, updates and consolidates the Appendix of c/m/r-substances to Annex I to the Directive.

Commission Directive 2001/59/EC of 21 August 2001 adapting for the twenty-eighth time Directive 67/548/EEC ⁵, and more particularly Annex I thereto, to technical progress, added two substances newly classified as carcinogenic *category 1*, nineteen substances newly classified as carcinogenic *category 2*, five substances newly classified as mutagenic *category 2*, one substance newly classified as toxic to reproduction *category 1* and sixteen substances newly classified as toxic to reproduction *category 2* to Annex I of Directive 67/548/EEC. It is proposed to add these substances to the appendix concerning points 29, 30 and 31 of Annex I to Directive 76/769/EEC.

2. JUSTIFICATION FOR PROPOSAL

What are the objectives of the proposal in relation to the Community's obligations?

Within the framework for action in the field of public health, the European Parliament and the Council have adopted an action plan to combat cancer (Decision N° 646/1996 ⁶). Due to the fact that use of chemicals by consumers cannot be controlled, safety can only be ensured by prohibiting use by consumers of c/m/r substances and preparations. Following the adoption of the Directive 94/60/EC the Commission is invited to propose measures governing substances newly classified as c/m/r categories 1 or 2.

¹ OJ L 365, 31.12.1994, p. 1.

² OJ L 262, 27.9.1976, p. 201.

³ OJ L 196, 16.8.1967, p. 1.

⁴ OJ L 333, 4.12.1997, p. 1.

⁵ OJ L 225., 21.8.2001, p. 1.

⁶ OJ L 95, 16.4.1996, p. 9.

The aim of the proposal is to preserve the Internal Market. When Member States adopt national provisions restricting the marketing and use of c/m/r substances and preparations there will be obstacles to trade because of differences in legislation between Member States. The Draft Proposal aims to improve the conditions for the functioning of the Internal Market to the benefit of the protection of the health and safety of consumers.

What are the courses of action available to the Community?

The only course of action available is to make a proposal for an amendment to Directive 76/769/EEC, the twenty-fifth amendment, providing for harmonised rules on the use of substances and preparations classified as *category 1* or *2* c/m/r's.

Are uniform rules necessary? Is it not sufficient to establish targets to be implemented by Member States?

The proposed twenty-fifth amendment establishes uniform rules for the circulation of substances and preparations classified as c/m/r. It also guarantees a high level of protection of health and safety of consumers. The proposed twenty-fifth amendment is the only way to meet these goals. Targets would be insufficient.

3. RATIONALE OF THE PROPOSAL

The proposed twenty-fifth amendment would extend the appendix of c/m/r substances to Annex I to Directive 76/769 by adding the substances classified as c/m/r category 1 or category 2 in the twenty-eighth adaptation to technical progress of Directive 67/548/EEC. Use by consumers of all these substances is thus prohibited.

4. COSTS AND BENEFITS

4.1. Costs

The costs are estimated to be low due to the limited use of those substances by the general public.

4.2. Benefits

The proposed ban will ensure that the carcinogenic and mutagenic substances and substances toxic to reproduction and preparations are not placed on the market for consumer use either now or in the future. The benefit of the proposal is to protect the health of consumers.

5. PROPORTIONALITY

The twenty-fifth amendment would yield benefits in terms of protecting the health of consumers. This would be achieved at no cost.

6. CONSULTATIONS PERFORMED IN PREPARING THE DRAFT TWENTY-FIFTH AMENDMENT

Advice on the preparation of the proposal was sought through two meetings involving experts from Member States and industry. Industry was represented by CEFIC (European Chemical Industry Council) and Eurométaux.

7. CONFORMITY WITH THE TREATY

This proposal is intended to preserve the Internal Market and at the same time ensure a high level of protection of health of the consumers and is therefore in conformity with Article 95(3) of the Treaty.

8. EUROPEAN PARLIAMENT AND ECONOMIC AND SOCIAL COMMITTEE

In compliance with Article 95 of the Treaty, the Codecision Procedure with the European Parliament is applicable. The Economic and Social Committee has to be consulted.

Draft Proposal for a

DIRECTIVE 200x/xx/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of [...]

amending, for the twenty-fifth 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 (substances classified as carcinogens, mutagens or substances toxic to reproduction – c/m/r)

(Text with EEA relevance)

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 ⁷,

Having regard to the opinion of the Economic and Social Committee ⁸,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁹,

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) Council Directive 76/769/EEC¹⁰ lays down restrictions on the marketing and use of certain dangerous substances and preparations.
- (3) The measures provided for in this Directive fall within the framework of the action plan in Decision No 646/96/EC of the European Parliament and of the Council of 29 March 1996 adopting an action plan to combat cancer within the framework for action in the field of public health (1996 to 2000) ¹¹, which has been extended until the end of 2002 by Decision No 521/2001/EC.

⁷ OJ C xx.

⁸ OJ C xx.

⁹ Opinion of the European Parliament of 14 November 2000 (not yet published in the Official Journal), Council Common Position of 12 March 2001 (OJ C 142, 15.5.2001, p. 1) and European Parliament Decision of 16 May 2001.

¹⁰ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2001/91/EC (OJ L 286, 29.10.2001, p. 27).

¹¹ OJ L 95, 16.4.1996, p. 9. Decision as amended by Decision No 521/2001/EC (OJ L 79, 17.3.2001, p. 1).

- (4) In order to improve health protection and consumer safety, substances classified as carcinogenic, mutagenic or toxic to reproduction and preparations containing them should not be placed on the market for use by the general public.
- (5) Directive 94/60/EC of the European Parliament and of the Council of 20 December 1994 amending for the fourteenth time Directive 76/769/EEC¹² establishes, in the form of an Appendix concerning points 29, 30 and 31 of Annex I to Directive 76/769/EEC, a list containing substances classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2. Such substances and preparations should not be placed on the market for use by the general public.
- (6) Directive 94/60/EC envisaged that the said list would be extended shortly after publication of an adaptation to technical progress of Annex I to Council Directive 67/548/EEC of 27 June 1967 relating to the classification, packaging and labelling of dangerous substances, which contains substances classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2¹³.
- (7) Commission 2001/59/EC, which was adopted on 6 August 2001 and adapted to technical progress for the twenty-eighth time Directive 67/548/EEC, and more particularly Annex I thereto, contains two substances newly classified as carcinogenic category 1, nineteen substances newly classified as carcinogenic category 2, five substances newly classified as mutagenic category 2, one substance newly classified as toxic to reproduction category 1 and sixteen substances newly classified as toxic to reproduction category 2.
- (8) Those substances should be added to the list in the appendix to Annex I to Directive 76/769/EEC.
- (9) The risks and advantages of the substances newly classified, by Directive 2001/59/EC, as carcinogenic, mutagenic and toxic to reproduction of category 1 or 2 have been taken into account.
- (10) This Directive applies without prejudice to Community legislation laying down minimum requirements for the protection of workers contained in Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work¹⁴, and individual directives based thereon, in particular Council Directive 90/394/EEC of the 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Art. 16(1) of Directive 89/391/EEC)¹⁵,

¹² OJ L 365, 31.12.1994, p. 1.

¹³ OJ L 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 2001/59/EC (OJ L 225, 21.8.2001, p. 1).

¹⁴ OJ L 183, 29.6.1989, p. 1.

¹⁵ OJ L 196, 26.7.1990, p. 1. Directive as last amended by Council Directive 1999/38/EC (OJ L 138, 1.6.1999, p. 66).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The substances listed in the Annex to this Directive shall be added to those substances listed in the appendix concerning points 29, 30 and 31 of Annex I to Directive 76/769/EEC.

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 2002 [nine months after the date of its entry into force]. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 31 March 2003 [12 months after the date of the entry into force of this Directive].

2. When Member States adopt these 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 third 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 Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

The Appendix to Annex I to Directive 76/769/EEC is amended as follows:

(1) The lists under the heading "Point 29 – Carcinogens" are amended as follows:

(a) In the list for category 1, the following are added:

SUBSTANCES	INDEX NUMBER	EC NUMBER	CAS NUMBER	NOTES
Butane [containing ≥ 0.1 % Butadiene (203-450-8)] [1] Isobutane [containing ≥ 0.1 % Butadiene (203-450-8)] [2]	601-004-01-8	203-448-7 [1] 200-857-2 [2]	106-97-8 [1] 75-28-5 [2]	C, S
1,3-Butadiene; Buta-1,3-diene	601-013-00-X	203-450-8	106-99-0	D

(b) In the list for category 2, the following are added:

SUBSTANCES	INDEX NUMBER	EC NUMBER	CAS NUMBER	NOTES
Beryllium oxide	004-003-00-8	215-133-1	1304-56-9	E
Sodium chromate	024-018-00-3	231-889-5	7775-11-3	E
Trichloroethylene; Trichloroethene	602-027-00-9	201-167-4	79-01-6	
\square -Chlorotoluene; Benzyl chloride	602-037-00-3	202-853-6	100-44-7	E
2,3-Dibromopropan-1-ol; 2,3-Dibromo-1-propanol	602-088-00-1	202-480-9	96-13-9	E
Propylene oxide; 1,2-Epoxypropane; Methyloxirane	603-055-00-4	200-879-2	75-56-9	E
Phenyl glycidyl ether; 2,3-Epoxypropyl phenyl ether; 1,2-Epoxy-3-phenoxypropane	603-067-00-X	204-557-2	122-60-1	E
Furan	603-105-00-5	203-727-3	110-00-9	E
<i>R</i> -2,3-Epoxy-1-propanol	603-143-00-2	404-660-4	57044-25-4	E
(<i>R</i>)-1-Chloro-2,3-epoxypropane	603-166-00-8	424-280-2	51594-55-9	
2,3-Dinitrotoluene	609-050-00-3	210-013-5	602-01-7	E
3,4-Dinitrotoluene	609-051-00-9	210-222-1	610-39-9	E
3,5-Dinitrotoluene	609-052-00-4	210-566-2	618-85-9	E
2,5-Dinitrotoluene	609-055-00-0	210-581-4	619-15-8	E

SUBSTANCES	INDEX NUMBER	EC NUMBER	CAS NUMBER	NOTES
6-Hydroxy-1-(3-isopropoxypropyl)-4-methyl-2-oxo-5-[4-(phenylazo)phenylazo]-1,2-dihydro-3-pyridinecarbonitrile	611-057-00-1	400-340-3	85136-74-9	
(6-(4-Hydroxy-3-(2-methoxyphenylazo)-2-sulfonato-7-naphthylamino)-1,3,5-triazin-2,4-diyl)bis[(amino-1-methylethyl)-ammonium] formate	611-058-00-7	402-060-7	108225-03-2	
Trisodium-[4'-(8-acetylamino-3,6-disulfonato-2-naphthylazo)-4''-(6-benzoylamino-3-sulfonato-2-naphthylazo)biphenyl-1,3',3'',1'''-tetraolato-O, O', O'', O''']copper(II)	611-063-00-4	413-590-3	-	
Phenylhydrazine [1] Phenylhydrazinium chloride [2] Phenylhydrazine hydrochloride [3] Phenylhydrazinium sulphate (2:1) [4]	612-023-00-9	202-873-5 [1] 200-444-7 [2] 248-259-0 [3] 257-622-2 [4]	100-63-0 [1] 59-88-1 [2] 27140-08-5 [3] 52033-74-6 [4]	E
A mixture of: <i>N</i> -[3-hydroxy-2-(2-methylacryloylamino-methoxy)propoxymethyl]-2-methylacrylamide; <i>N</i> -[2,3-Bis-(2-methylacryloylamino-methoxy)propoxymethyl]-2-methylacrylamide; Methacrylamide; 2-Methyl- <i>N</i> -(2-methylacryloylamino-methoxymethyl)-acrylamide; <i>N</i> -(2,3-Dihydroxypropoxymethyl)-2-methylacrylamide	616-057-00-5	412-790-8	-	

(c) In the list for category 2, the following are deleted:

SUBSTANCES	INDEX NUMBER	EC NUMBER	CAS NUMBER	NOTES
Butane [containing ≥ 0.1 % Butadiene (203-450-8)] [1] Isobutane [containing ≥ 0.1 % Butadiene (203-450-8)] [2]	601-004-01-8	203-448-7 [1] 200-857-2 [2]	106-97-8 [1] 75-28-5 [2]	C, S
1,3-Butadiene; Buta-1,3-diene	601-013-00-X	203-450-8	106-99-0	D

(2) Under the heading “Point 30 – Mutagens” in the list for category 2, the following are added:

SUBSTANCES	INDEX NUMBER	EC NUMBER	CAS NUMBER	NOTES
Sodium chromate	024-018-00-3	231-889-5	7775-11-3	E
Butane [containing ≥ 0.1 % Butadiene (203-450-8)] [1] Isobutane [containing ≥ 0.1 % Butadiene (203-450-8)] [2]	601-004-01-8	203-448-7 [1] 200-857-2 [2]	106-97-8 [1] 75-28-5 [2]	C, S
1,3-Butadiene Buta-1,3-diene	601-013-00-X	203-450-8	106-99-0	D
Propylene oxide; 1,2-Epoxypropane; Methyloxirane	603-055-00-4	200-879-2	75-56-9	E
1,3,5-Tris-[(2 <i>S</i> and 2 <i>R</i>)-2,3- epoxypropyl]-1,3,5-triazine-2,4,6- (1 <i>H</i> ,3 <i>H</i> ,5 <i>H</i>)-trione	616-091-00-0	423-400-0	59653-74-6	E

(3) The lists under the heading “Point 31 – Toxic to reproduction” are amended as follows:

(a) In the list for category 1, the following is added:

SUBSTANCES	INDEX NUMBER	EC NUMBER	CAS NUMBER	NOTES
2-Bromopropane	602-085-00-5	200-855-1	75-26-3	E

(b) In the list for category 2, the following are added:

SUBSTANCES	INDEX NUMBER	EC NUMBER	CAS NUMBER	NOTES
Flusilazole (ISO). Bis(4-fluorophenyl)-(methyl)-(1H-1,2,4-triazol-1-ylmethyl)-silane	014-017-00-6	-	85509-19-9	E
A mixture of: 4-[[Bis-(4-fluorophenyl)-methylsilyl]methyl]-4H-1,2,4-triazole; 1-[[Bis-(4-fluorophenyl)methylsilyl]methyl]-1H-1,2,4-triazole	014-019-00-7	403-250-2	-	E
Bis(2-methoxyethyl) ether	603-139-00-0	203-924-4	111-96-6	
R-2,3-Epoxy-1-propanol	603-143-00-2	404-660-4	57044-25-4	E
Fluazifop-butyl (ISO); Butyl (RS)-2-[4-(5-trifluoromethyl-2-pyridyloxy)phenoxy]propionate	607-304-00-8	274-125-6	69806-50-4	
Vinclozolin (ISO); N-3,5-Dichlorophenyl-5-methyl-5-vinyl-1,3-oxazolidine-2,4-dione	607-307-00-4	256-599-6	50471-44-8	
Methoxyacetic acid	607-312-00-1	210-894-6	625-45-6	E
Bis(2-ethylhexyl) phthalate; Di-(2-ethylhexyl) phthalate; DEHP	607-317-00-9	204-211-0	117-81-7	
Dibutyl phthalate; DBP	607-318-00-4	201-557-4	84-74-2	
(+/-) Tetrahydrofurfuryl (R)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propionate	607-373-00-4	414-200-4	119738-06-6	E
Flumioxazin (ISO); N-(7-Fluoro-3,4-dihydro-3-oxo-4-prop-2-ynyl-2H-1,4-benzoxazin-6-yl)cyclohex-1-ene-1,2-dicarboxamide	613-166-00-X	-	103361-09-7	
(2RS,3RS)-3-(2-Chlorophenyl)-2-(4-fluorophenyl)-[(1H-1,2,4-triazol-1-yl)-methyl]oxirane	613-175-00-9	406-850-2	106325-08-0	
N, N-Dimethylacetamide	616-011-00-4	204-826-4	127-19-5	E
Formamide	616-052-00-8	200-842-0	75-12-7	
N-Methylacetamide	616-053-00-3	201-182-6	79-16-3	
N-Methylformamide	616-056-00-X	204-624-6	123-39-7	E

6. ANNEX A

List of Consultees

THE CONSULTATION CRITERIA

- 1. Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.*
- 2. It should be clear who is being consulted, about what questions, in what timescale and for what purpose.*
- 3. A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.*
- 4. Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others) and effectively drawn to the attention of all interested groups and individuals.*
- 5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation*
- 6. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and the reasons for decisions finally taken.*
- 7. Departments should monitor and evaluate consultations, designating a consultation co-ordinator who will ensure the lessons are disseminated.*

The complete code is available on the Cabinet Office's web site, address www.cabinet-office.gov.uk/servicefirst/index/consultation.htm.

COMMENTS OR COMPLAINTS

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to Mr A Dobbie, DTI Consultation Co-ordinator, Room 550, 1 Victoria Street, London SW1H 0ET or telephone him on 020 7215 6509 or email andrew.dobbie@dti.gov.uk.