

**CARCINOGENS, MUTAGENS AND
SUBSTANCES TOXIC TO
REPRODUCTION (CMRS)**

**The Implementation of
European Directives
2003/34/EC (cmrs) and
2003/36/EC (cmrs)**

CONSULTATION DOCUMENT

DECEMBER 2003

CCP 13/03

dti

The DTI drives our ambition of 'prosperity for all' by working to create the best environment for business success in the UK. We help people and companies become more productive by promoting enterprise, innovation and creativity.

We champion UK business at home and abroad. We invest heavily in world-class science and technology. We protect the rights of working people and consumers. And we stand up for fair and open markets in the UK, Europe and the world.

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1.INTRODUCTION

PURPOSE OF CONSULTATION

1.1 This document seeks your views on how the UK proposes to implement:

- Directive 2003/34/EC which amends for the 23rd time Council Directive 76/769/EEC. Member States are required to adopt and publish regulations necessary to comply with this Directive by 15 July 2004. Such regulations will apply from 15 January 2005.
- Directive 2003/36/EC which amends for the 25th time Council Directive 76/769/EEC. Member States are required to adopt and publish regulations necessary to comply with this Directive by 25 June 2004. Such regulations will apply from 25 December 2004.

RESPONSES

1.2 How to respond to this consultation:

by e-mail: Rebecca.Aziz-Granberg@dti.gsi.gov.uk

by post: Rebecca Aziz-Granberg
Consumer and Competition Policy
Directorate
Bay 432
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London, SW1H 0ET

CLOSING DATE

1.3 Responses must be received no later than **9 March 2004**.

OUTCOME

1.4 We aim to publish the outcome of this consultation by 19 March 2004.

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 to remain 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 D. 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 via the DTI's website (<http://dti.gov.uk/ccp/consultations.htm>).

HELP WITH QUERIES

1.7 If you would like help with queries or further information about this consultation please contact: Rebecca Aziz-Granberg on 020 7215 5576.

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 I to that Directive. Member States are required to take all necessary measures to ensure that the dangerous substances and preparations listed may only be placed on the market or used, subject to the conditions specified therein.

2.2 Directive 2003/34/EC was adopted on 26 May 2003. It concerns the marketing and use of certain cmrs (carcinogens, mutagens and substances toxic to reproduction) and is intended to amend Directive 76/769/EEC by adding 25 new substances to the annex of that Directive.

2.3 Directive 2003/36/EC was adopted on 26 May 2003. It concerns the marketing and use of additional cmrs, which will also be added to the list of chemicals of concern.

2.4 The Directives will be implemented in the UK by amendment to the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994. A draft of these Regulations can be found in Annex C.

3. CONSULTATION DOCUMENT

Implementation of Commission Directives 2003/34/EC and 2003/36/EC

(23rd and 25th Amendments to the Marketing and Use of Certain Dangerous Substances and Preparations Directive 76/769/EEC)

Invitation to submit written or electronic views

3.1 Under 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 must not be used in substances and preparations placed on the market for sale to the general public.

3.2 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.

3.3 Previous amendments have been implemented by amendment to the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994 and the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 as appropriate.

23rd Amendment

3.4 Commission Directive 98/98/EC, the 25th adaptation to Directive 67/548/EEC, added 13 substances newly classified as carcinogenic category 2, 3 substances newly classified as mutagenic category 2, and 7 substances newly classified as toxic to reproduction category 2 to Annex I to Directive 67/548/EEC.

Commission Directive 2000/32/EC, the 26th adaptation to Directive 67/548/EEC, added 1 substance newly classified as carcinogenic category 2 and 1 substance newly classified as toxic to reproduction category 2 to Annex I to Directive 67/548/EEC.

3.5 The 23rd Amendment to Directive 76/769/EEC will add these 25 substances to Annex I of this Directive.

25th Amendment

3.6 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. The substances listed in the Annex to the Directive in point 1(c) shall be deleted from list 2 of point 29 of Annex I to Directive 76/769/EEC.

3.7 The 25th amendment to Directive 76/769/EEC will add these 43 substances to Annex I of this Directive.

4. REGULATORY IMPACT ASSESSMENT

PARTIAL REGULATORY IMPACT ASSESSMENT

4.1 Commission Directives 2003/34/EC (23rd Amendment) and 2003/36/EC (25th Amendment) of 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 [cmr])

PURPOSE AND INTENDED EFFECT

Issue and Objective

4.2 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 to that 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.

Risk Assessment

4.3 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 the use, by consumers, of cmr substances and preparations.

4.4 The European Commission sought advice on the preparation of the Directives through two meetings involving experts from Member States and Industry. The European Chemical Industries Council (CEFIC) and Eurometaux represented industry.

4.5 The two Directives will produce harmonised rules for the circulation of substances and preparations classified as cmrs. It also guarantees a high level of protection of the health and safety of consumers and means that they will not have to incur costs of finding out which products are safe (search costs).

4.6 The Directives are consistent with current UK policy and practice on cmrs, therefore the UK supports the legislative measures.

4.7 Feedback from the initial consultation exercise for the 23rd Amendment indicates that the Directive will not have any major impact on manufacturers, importers, wholesalers and retailers of these chemicals and/or products containing these chemicals. A total of 176 organisations, which included industry, relevant trade associations, LACORS and other Government bodies, were approached. Ten responses were received, all of which supported the Directive, although none of which provided details on compliance costs.

4.8 Feedback from the initial consultation exercise for the 25th Amendment indicates a similar view to that referred to above. Details of compliance costs were sought from 16 chemical speciality organisations and over 130 trade associations, manufacturers and other interested parties.

Issues of Equity or Fairness

4.9 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 these Directives is consumer safety.

BENEFITS

4.10 The implementation of the two Directives will ensure that consumers are safeguarded from the possible health risks of exposure to these cmrs. The Directives will be implemented by

all Member States, thus applying to all sectors of Industry in the European Union.

Quantifying and Valuing the Benefits

4.11 It is envisaged that the costs will be negligible, due to the limited use of these substances by the general public. However we would welcome details of cost implications, if any, from consultees.

COSTS

Compliance Costs for Business, Charities and Voluntary Organisations

4.12 The Directives will not affect charities or voluntary organisations. However, we envisage that the Chemical Industry will be affected by these Directives. On completion of this consultation exercise a breakdown of the compliance costs will be attached to the Full Regulatory Impact Assessment. To help assess such costs we would welcome actual costs or estimates.

Recurring Compliance Costs

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

4.14 We welcome your estimates (however approximate) of the costs involved.

Non-recurring Compliance Costs

4.15 These may arise if suppliers who have continued to place these substances on the market for use by the general public.

4.16 As the date on which these substances should not be placed on the market for use by the general public, is now known, it is anticipated that the firms involved will have sufficient notice to begin running down stocks destined for use

(direct or otherwise) by the general public. We therefore assume costs due to loss of stocks will be negligible.

4.17 We welcome your estimates (however approximate) of the costs involved.

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.

4.19 We welcome your estimates (however approximate) of the costs involved.

Total Compliance Costs

4.20 The results from the consultation exercise will be collated and displayed. The two Directives are not contentious and merely involve alterations to the list of prohibited substances, which would be controlled in the same manner as previous similar substances. Therefore negligible compliance costs are envisaged.

The Small Firms' Impact Test

4.21 During the initial consultation process for the 23rd Amendment, small businesses and relevant trade associations were contacted in order to evaluate the effect of the proposals (in conjunction with the Small Business Service). Of the small businesses contacted, none expressed any concerns regarding the then proposal for a Directive. We would however, welcome any further information on costs from small businesses at this stage.

Competition Assessment

4.22 As these directives place restrictions on the marketing and use of particular chemicals they are unlikely to have the effect of distorting or removing competition in the market. The

directives will not serve as a barrier to entry for potential entrants nor impose substantially more costs on some firms than others. The structure of the market is fragmented and competitive and this is unlikely to be changed by the introduction of the new directives.

Consultation

4.23 The results of the consultation will be displayed on the DTI website.

Summary and Recommendation

4.24 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

4.25 Local Authority Trading Standards Departments will enforce this proposal. The draft Regulations are being made under the Consumer Protection Act 1987 section 11, therefore the sanctions applicable to breaches of safety regulations under Part II of the 1987 Act will apply. Once implemented, the regulations will be monitored and reviewed in accordance with normal procedures – a review is likely once the implementing regulations have been in force for 2-3 years.

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 Employment Relations, Competition and Consumers)

Date

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5. ANNEXES

Annex A: Directive 2003/34/EC

Annex B: Directive 2003/36/EC

Annex C: Draft of Statutory Instrument

Annex D: List of consultees

Annex A

DIRECTIVE 2003/34/EC

**DIRECTIVE 2003/34/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 May 2003**

**amending for the 23rd 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)**

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 ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 17 March 2003,

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) On 29 March 1996 the European Parliament and the Council adopted Decision No 646/96/EC adopting an action plan to combat cancer within the framework for action in the field of public health (1996 to 2000) ⁽⁴⁾.
- (3) 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. The Commission should submit as soon as possible a proposal to prohibit the use of products containing such substances, when there is scientific evidence that they are released from these products leading to exposure of, and risk to, the general public.
- (4) Directive 94/60/EC of the European Parliament and of the Council of 20 December 1994 amending for the 14th time Directive 76/769/EEC ⁽⁵⁾ establishes, in the form of an Appendix concerning points 29, 30 and 31 of Annex I to Directive 76/769/EEC ⁽⁶⁾, a list containing substances classified as carcinogenic, mutagenic or toxic

to reproduction of category 1 or 2. Such substances and preparations containing them should not be placed on the market for use by the general public.

- (5) Directive 94/60/EC provides that the Commission will submit to the European Parliament and Council a proposal to extend this list not later than six months after publication of an adaptation to technical progress of Annex I to Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽⁷⁾, which contains substances classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2.

- (6) Commission Directive 98/98/EC of 15 December 1998 adapting to technical progress for the 25th time Council Directive 67/548/EEC ⁽⁸⁾, which in particular adapts Annex I thereto, contains 20 substances newly classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2, and Commission Directive 2000/32/EC of 19 May 2000 adapting to technical progress for the 26th time Council Directive 67/548/EEC ⁽⁹⁾, which in particular adapts Annex I thereto, contains two substances newly classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2. These substances should be added to points 29, 30 and 31 of the Appendix to Annex I to Directive 76/769/EEC.

- (7) The risks and advantages of the substances thus newly classified have been taken into account.

- (8) This Directive is to apply 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 work ⁽¹⁰⁾, and individual directives based thereon, in particular Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work ⁽¹¹⁾,

⁽¹⁾ OJ C 213 E, 31.7.2001, p. 263.

⁽²⁾ OJ C 311, 7.11.2001, p. 7.

⁽³⁾ Opinion of the European Parliament of 5 February 2002 (OJ C 284 E, 21.11.2002, p. 88), Council Common Position of 3 June 2002 (OJ C 197 E, 20.8.2002, p. 1) and Decision of the European Parliament of 10 October 2002 (not yet published in the Official Journal), Decision of the European Parliament of 27 March 2003 and Council Decision of 8 April 2003.

⁽⁴⁾ OJ L 95, 16.4.1996, p. 9. Decision repealed by Decision No 1786/2002/EC of the European Parliament and of the Council (OJ L 271, 9.10.2002, p. 1).

⁽⁵⁾ OJ L 365, 31.12.1994, p. 1.

⁽⁶⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Directive 2003/11/EC of the European Parliament and of the Council (OJ L 42, 15.2.2003, p. 45).

⁽⁷⁾ OJ 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 2001/59/EC (OJ L 225, 21.8.2001, p.1).

⁽⁸⁾ OJ L 355, 30.12.1998, p. 1. Directive as amended by Commission Decision 2000/368/EC (OJ L 136, 8.6.2000, p. 108).

⁽⁹⁾ OJ L 136, 8.6.2000, p. 1.

⁽¹⁰⁾ OJ L 183, 29.6.1989, p. 1.

⁽¹¹⁾ OJ L 196, 26.7.1990, p. 1. Directive as last amended by Directive 1999/38/EC (OJ L 138, 1.6.1999, p. 66).

HAVE ADOPTED THIS DIRECTIVE:

Article 3

Article 1

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

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 2

1. Member States shall adopt and publish not later than 15 July 2004 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

They shall apply these measures from 15 January 2005.

Done at Brussels, 26 May 2003.

2. When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

For the European Parliament

For the Council

The President

The President

P. COX

G. DRYS

ANNEX

Point 29 — Carcinogens: category 2

Substances	Index number	EC number	CAS number
Cobalt dichloride	027-004-00-5	231-589-4	7646-79-9
Cobalt sulphate	027-005-00-0	233-334-2	10124-43-3
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Chrysene	601-048-00-0	205-923-4	218-01-9
Benzo[e]pyrene	601-049-00-6	205-892-7	192-97-2
2,2'-Bioxirane; 1,2:3,4-diepoxybutane	603-060-00-1	215-979-1	1464-53-5
2,3-Epoxypropan-1-ol; glycidol	603-063-00-8	209-128-3	556-52-5
2,4-Dinitrotoluene [1]; dinitrotoluene [2]; dinitrotoluene, technical grade	609-007-00-9	204-450-0 [1] 246-836-1 [2]	121-14-2 [1] 25321-14-6 [2]
2,6-Dinitrotoluene	609-049-00-8	210-106-0	606-20-2
Hydrazine-tri-nitromethane	609-053-00-X	414-850-9	—
Azobenzene	611-001-00-6	203-102-5	103-33-3
o-Dianisidine based azo dyes; 4,4'-diaryloxy-3,3'-dimethoxybiphenyl dyes with the exception of those mentioned elsewhere in Annex I to Directive 67/548/EEC	611-029-00-9	—	—
o-Tolidine based dyes; 4,4'-diaryloxy-3,3'-dimethylbiphenyl dyes, with the exception of those mentioned elsewhere in Annex I to Directive 67/548/EEC	611-030-00-4	—	—
1,4,5,8-Tetraaminoanthraquinone; C.I. Disperse Blue 1	611-032-00-5	219-603-7	2475-45-8

Point 30 — Mutagens: category 2

Substances	Index number	EC number	CAS number
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Cadmium chloride	048-008-00-3	233-296-7	10108-64-2
2,2'-Bioxirane; 1,2:3,4-diepoxybutane	603-060-00-1	215-979-1	1464-53-5

Point 31 — Toxic to reproduction: category 2

Substances	Index number	EC number	CAS number
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Cadmium chloride	048-008-00-3	233-296-7	10108-64-2
2,3-Epoxypropan-1-ol; glycidol	603-063-00-8	209-128-3	556-52-5
2-Methoxypropanol	603-106-00-0	216-455-5	1589-47-5
4,4'-isobutylethylidenediphenol; 2,2-bis (4'-hydroxyphenyl)-4-methylpentane	604-024-00-8	401-720-1	6807-17-6
2-Methoxypropyl acetate	607-251-00-0	274-724-2	70657-70-4
Tridemorph (ISO); 2,6-dimethyl-4-tridecylmorpholine	613-020-00-5	246-347-3	24602-86-6
Cycloheximide	613-140-00-8	200-636-0	66-81-9

DIRECTIVE 2003/36/EC

DIRECTIVE 2003/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 May 2003

amending, for the 25th 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 ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Council Directive 76/769/EEC ⁽⁴⁾, lays down restrictions on the marketing and use of certain dangerous substances and preparations.
- (2) 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) ⁽⁵⁾.
- (3) 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.
- (4) Directive 94/60/EC of the European Parliament and of the Council of 20 December 1994 amending for the 14th time Directive 76/769/EEC ⁽⁶⁾, 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 containing them should not be placed on the market for use by the general public.

(5) 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 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽⁷⁾, which lists substances classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2.

(6) Commission Directive 2001/59/EC ⁽⁸⁾, which adapted to technical progress for the 28th time Council Directive 67/548/EEC, and more particularly Annex I thereto, lists two substances newly classified as carcinogenic category 1, 19 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 16 substances newly classified as toxic to reproduction category 2.

(7) Those substances should be added to the list in the appendix to Annex I to Directive 76/769/EEC.

(8) 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.

(9) This Directive shall apply 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 work ⁽⁹⁾, 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 ⁽¹⁰⁾,

⁽¹⁾ OJ C 126 E, 28.5.2002, p. 398.

⁽²⁾ OJ C 221, 17.9.2002, p. 8.

⁽³⁾ Opinion of the European Parliament of 11 June 2002 (not yet published in the Official Journal), Council Common Position of 21 January 2003 (OJ C 64 E, 18.3.2003, p. 6) and European Parliament Decision of 10 April 2003 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2002/62/EC (OJ L 183, 12.7.2002, p. 58).

⁽⁵⁾ OJ L 95, 16.4.1996, p. 9. Decision repealed on 31 December 2002 by Decision No 1786/2002/EC (OJ L 271, 9.10.2002, p. 1).

⁽⁶⁾ OJ L 365, 31.12.1994, p. 1.

⁽⁷⁾ 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).

⁽⁸⁾ OJ L 225, 21.8.2001, p. 1.

⁽⁹⁾ OJ L 183, 29.6.1989, p. 1.

⁽¹⁰⁾ 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. The substances listed in the Annex to this Directive in point 1(c) shall be deleted from list 2 of point 29 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 by 25 June 2004. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 25 December 2004.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 26 May 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. DRYS

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 $\geq 0,1$ % Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]	C, S
Isobutane [containing $\geq 0,1$ % Butadiene (203-450-8)] [2]		200-857-2 [2]	75-28-5 [2]	
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	
α -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
R-2,3-epoxy-1-propanol	603-143-00-2	404-660-4	57044-25-4	E
(R)-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
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	

Substances	Index number	EC number	CAS number	Notes
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]	612-023-00-9	202-873-5 [1]	100-63-0 [1]	E
Phenylhydrazinium chloride [2]		200-444-7 [2]	59-88-1 [2]	
Phenylhydrazine hydrochloride [3]		248-259-0 [3]	27140-08-5 [3]	
Phenylhydrazinium sulphate (2:1) [4]		257-622-2 [4]	52033-74-6 [4]	
A mixture of: N-[3-hydroxy-2-(2-methylacryloylamino-methoxy)propoxymethyl]-2-methylacrylamide; N-[2,3-Bis-(2-methylacryloylamino-methoxy)propoxymethyl]-2-methylacrylamide; methacrylamide; 2-methyl-N-(2-methyl-acryloylamino-methoxymethyl)-acrylamide; N-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 $\geq 0,1\%$ Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]	C,S
Isobutane [containing $\geq 0,1\%$ Butadiene (203-450-8)] [2]		200-857-2 [2]	75-28-5 [2]	
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 $\geq 0,1\%$ Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]	C, S
Isobutane [containing $\geq 0,1\%$ Butadiene (203-450-8)] [2]		20-857-2 [2]	75-28-5 [2]	
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-[(2S and 2R)-2,3-epoxypropyl]-1,3,5-triazine-2,4,6-(1H,3H,5H)-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)methyl-silyl]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	603-143-002	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

DRAFT OF STATUTORY INSTRUMENT

STATUTORY INSTRUMENTS

2004 No.

CONSUMER PROTECTION

**The Dangerous Substances and Preparations (Safety) (Consolidation)
(Amendment) Regulations 2004**

Made

Laid before Parliament

Coming into force

*These Regulations
except regulation 2(3)*

25th December 2004

Regulation 2(3)

15th January 2005

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987(a), consulted such organisations as appear to her to be representative of interests substantially affected by these Regulations, such other persons as she considers appropriate and the Health and Safety Commission;

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by the said section 11, hereby makes the following Regulations -

Citation, Commencement and Interpretation

1.- (1) These Regulations may be cited as the Dangerous Substances and Preparations (Safety) (Consolidation) (Amendment) Regulations 2004 and shall come into force on 25th December 2004 except for regulation 2(3) which shall come into force on 15th January 2005.

(a) 1987 c.43.

(2) In these Regulations “the Principal Regulations” means the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994**(b)**.

Amendments to the Principal Regulations

2.- (1) The entries in the tables in Part I of Schedule 1 to these Regulations shall be inserted in Schedule 2 to the Principal Regulations in accordance with paragraph (5) below.

(2) The entries in the table in Part II of Schedule 1 to these Regulations shall be deleted from the table headed “Carcinogenic Substances of Category 2” in Schedule 2 to the Principal Regulations.

(3) The entries in the tables in Schedule 2 to these Regulations shall be inserted in Schedule 2 to the Principal Regulations in accordance with paragraph (5) below.

(4) The entries relating to:

- a) “Chromium (VI) compounds” (Index number 024-017-00-8),
- b) “Benzidine based azo dyes; 4,4’-diarylazobiphenyl dyes” (Index number 611-024-00-1), and
- c) “Refractory ceramic fibres; special purpose fibres” (Index number 650-017-00-8)

which appear in the table in Schedule 2 to the Principal Regulations under the heading “Carcinogenic substances of Category 2” shall be amended by substituting the words “the approved supply list” for the words “Annex I to Directive 67/548/EEC” or “Annex 1 to Directive 67/548/EEC” in whichever form the reference appears.

(5) Each entry inserted by paragraphs (1) and (3) above shall be inserted under the heading corresponding to that given in Schedule 1 or 2 to these Regulations and shall be inserted in the appropriate place in numerical order by reference to the entry’s Index Number.

Parliamentary Under Secretary of State for
Employment Relations, Competition and Consumers
Department of Trade and Industry

2004

(b) S.I. 1994/2844 has been amended by S.I.s 1996/2635, 1999/2084, 2000/2897, 2002/1770 and 2002/3010 which inserted and deleted entries in Schedule 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement European Parliament and Council Directives 2003/34/EC (O.J. No. L156, 25.6.03, p.14) and 2003/36/EC (O.J. No. L156, 25.6.03, p.26). These Directives amend (for the 23rd and 25th times) the Appendix to Annex I to Council Directive 76/769/EEC (O.J. No. L262, 27.9.76, p.201) 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. The Appendix to Annex I to Directive 76/769/EEC lists substances considered to be carcinogenic, mutagenic or toxic to reproduction.

Council Directive 76/769/EEC (as amended) is implemented in part by the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994 (S.I. 1994/2844) (“the Principal Regulations”). Schedule 2 to the Principal Regulations is amended by these Regulations which insert or delete as appropriate the substances listed in the annexes to Council Directives 2003/34/EC and 2003/36/EC.

Regulation 8(4) of the CHIPS Regulations provides that the substances listed in Schedule 2 to the Principal Regulations should be labelled in accordance with that regulation. The amendments to Schedule 2 made by these Regulations will therefore amend the list of substances to which regulation 8(4) applies.

Schedule 2 to the Principal Regulations contains references to “Annex I to Directive 67/548/EEC” and a reference to “Annex 1 to Directive 67/548/EEC”. These references are amended to refer instead to the “approved supply list” which implements Annex I to Directive 67/548/EEC.

A full regulatory impact assessment of the effect that this instrument will have on costs to business is available from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET. Copies of a transposition note relating to these Regulations have been placed in the libraries of both Houses of Parliament. Copies are also available to the public from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET.

**DANGEROUS SUBSTANCES AND PREPARATIONS
RESTRICTED BY DIRECTIVE 2003/36 EC**

PART I

Carcinogenic substances of Category 1

Substances	Index number	EC number	CAS number
Butane [containing $\geq 0.1\%$ 1,3-butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]
Isobutane [containing $\geq 0.1\%$ 1,3-butadiene (203-450-8)] [2]		200-857-2 [2]	75-28-5 [2]
1,3-Butadiene; buta-1,3-diene	601-013-00-X	203-450-8	106-99-0

[Note: the reference to “1,3-butadiene” in the entries relating to “Butane” and “Isobutane”(Index Number 601-004-01-8) in the left hand column of the above table differs from that set out in the Directive as there is believed to be an error in the Directive. The name given above is believed to be correct.]

Carcinogenic substances of Category 2

Substances	Index number	EC number	CAS number
Beryllium oxide	004-003-00-8	215-133-1	1304-56-9
Sodium chromate	024-018-00-3	231-889-5	7775-11-3
Trichloroethylene; trichloroethene	602-027-00-9	201-167-4	79-01-6
α -Chlorotoluene; benzyl chloride	602-037-00-3	202-853-6	100-44-7
2,3-Dibromopropan-1-ol; 2,3-dibromo-1-propanol	602-088-00-1	202-480-9	96-13-9
Propylene oxide; 1,2-epoxypropane; methyloxirane	603-055-00-4	200-879-2	75-56-9
Phenyl glycidyl ether, 2-3-epoxypropyl phenyl ether; 1,2-epoxy-3-phenoxypropane	603-067-00-X	204-557-2	122-60-1

Furan	603-105-00-5	203-727-3	110-00-9
(<i>R</i>)-2,3-Epoxy-1-propanol	603-143-00-2	404-660-4	57044-25-4
(<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
3,4-dinitrotoluene	609-051-00-9	210-222-1	610-39-9
3,5-dinitrotoluene	609-052-00-4	210-566-2	618-85-9
2,5-Dinitrotoluene	609-055-00-0	210-581-2	619-15-8
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]	612-023-00-9	202-873-5 [1]	100-63-0[1]
Phenylhydrazinium chloride [2]		200-444-7 [2]	59-88-1 [2]
Phenylhydrazine hydrochloride [3]		248-259-0 [3]	27140-08-5 [3]
Phenylhydrazinium sulphate (2:1) [4]		257-622-2 [4]	52033-74-6 [4]
A mixture of: <i>N</i> -[3-hydroxy-2(2-methylacryloylaminomethoxy)propoxymethyl]-2-methylacrylamide; <i>N</i> -[2,3-bis(2-methylacryloylaminomethoxy)propoxymethyl]-2-methylacrylamide; methacrylamide; 2-methyl- <i>N</i> -(2-methylacryloylaminomethoxymethyl)-acrylamide; <i>N</i> -(2,3-dihydroxypropoxymethyl)-2-methylacrylamide	616-057-00-5	412-790-8	-

Mutagenic substances of Category 2

Substances	Index number	EC number	CAS number
Sodium chromate	024-018-00-3	231-889-5	7775-11-3
Butane [containing $\geq 0.1\%$ 1,3-butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]
Isobutane [containing $\geq 0.0\%$ 1,3-butadiene (203-450-8)] [2]		20-857-2 [2]	75-28-5 [2]
1,3-Butadiene; buta-1,3-diene	601-013-00-X	203-450-8	106-99-0
Propylene oxide; 1,2-epoxypropane; methyloxirane	603-055-00-4	200-879-2	75-56-9
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

[Note: the reference to “1,3-butadiene” in the entries relating to “Butane” and “Isobutane”(Index Number 601-004-01-8) in the left hand column of the above table differs from that set out in the Directive as there is believed to be an error in the Directive. The name given above is believed to be correct.]

Toxic for reproduction substances of Category 1

Substances	Index number	EC number	CAS number
2-Bromopropane	602-085-00-5	200-855-1	75-26-3

Toxic for reproduction substances of Category 2

Substances	Index number	EC number	CAS number
Flusilazole (ISO); bis(4-fluorophenyl)-(methyl)(1 <i>H</i> -1,2,4-triazol-1-ylmethyl)silane	014-017-00-6		85509-19-9
A mixture of: 4-[[bis(4-fluorophenyl)-methylsilyl]methyl]-4 <i>H</i> -1,2,4-triazole; 1-[[bis(4-fluorophenyl)methylsilyl]methyl]-1 <i>H</i> -1,2,4-triazole	014-019-00-7	403-250-2	-

Bis(2-methoxyethyl) ether	603-139-00-0	203-924-4	111-96-6
(<i>R</i>)-2,3-Epoxy-1-propanol	603-143-002	404-660-4	57044-25-4
Fluazifop-butyl (ISO); butyl (<i>RS</i>)-2-[4-(5-trifluoromethyl-2-pyridyloxy)phenoxy]propionate	607-304-00-8	274-125-6	69806-50-4
Vinclozolin (ISO); <i>N</i> -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
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 (<i>R</i>)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propionate	607-373-00-4	414-200-4	119738-06-6
Flumioxazin (ISO); <i>N</i> -(7-fluoro-3,4-dihydro-3-oxo-4-prop-2-ynyl-2 <i>H</i> -1,4-benzoxazin-6-yl)cyclohex-1-ene-1,2-dicarboxamide	613-166-00-X	-	103361-09-7
(2 <i>RS</i> ,3 <i>RS</i>)-3-(2-Chlorophenyl)-2-(4-fluorophenyl)-[(1 <i>H</i> -1,2,4-triazol-1-yl)-methyl]oxirane	613-175-00-9	406-850-2	106325-08-0
<i>N,N</i> -Dimethylacetamide	616-011-00-4	204-826-4	127-19-5
Formamide	616-052-00-8	200-842-0	75-12-7
<i>N</i> -Methylacetamide	616-053-00-3	201-182-6	79-16-3
<i>N</i> -Methylformamide	616-056-00-X	204-624-6	123-39-7

PART II

Carcinogenic substances of Category 2

Substances	Index number	EC number	CAS number
Butane [containing $\geq 0.1\%$ 1,3-butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]
Isobutane [containing $\geq 0.1\%$ 1,3-butadiene (203-450-8)] [2]		200-857-2 [2]	75-28-5 [2]
1,3-Butadiene; buta-1,3-diene	601-013-00-X	203-450-8	106-99-0

[Note: the reference to “1,3-butadiene” in the entries relating to “Butane” and “Isobutane”(Index Number 601-004-01-8) in the left hand column of the above table differs from that set out in the Directive as there is believed to be an error in the Directive. The name given above is believed to be correct.]

SCHEDULE 2

Regulation 2(3)

**DANGEROUS SUBSTANCES AND PREPARATIONS
RESTRICTED BY DIRECTIVE 2003/34 EC**

Carcinogenic substances of Category 2

Substances	Index number	EC number	CAS number
Cobalt dichloride	027-004-00-5	231-589-4	7646-79-9
Cobalt sulphate	027-005-00-0	233-334-2	10124-43-3
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Chrysene	601-048-00-0	205-923-4	218-01-9
Benzo[<i>e</i>]pyrene	601-049-00-6	205-892-7	192-97-2
2,2'-Bioxirane; 1,2:3,4-diepoxybutane	603-060-00-1	215-979-1	1464-53-5
2,3-Epoxypropan-1-ol; glycidol	603-063-00-8	209-128-3	556-52-5
2,4-Dinitrotoluene [1]; dinitrotoluene [2]; dinitrotoluene, technical grade	609-007-00-9	204-450-0 [1] 246-836-1 [2]	121-14-2 [1] 25321-14-6 [2]
2,6-Dinitrotoluene	609-049-00-8	210-106-0	606-20-2
Hydrazine-tri-nitromethane	609-053-00-X	414-850-9	-
Azobenzene	611-001-00-6	203-102-5	103-33-3
<i>o</i> -Dianisidine-based azo dyes; 4,4'-diaryldazo-3,3'-dimethoxybiphenyl dyes, with the exception of those mentioned elsewhere in the approved supply list	611-029-00-9	-	-
<i>o</i> -Tolidine-based dyes; 4,4'-diaryldazo-3,3'-dimethylbiphenyl dyes, with the exception of those mentioned elsewhere in the approved supply list	611-030-00-4	-	-
1,4,5,8-Tetraaminoanthraquinone; C.I. Disperse Blue 1	611-032-00-5	219-603-7	2475-45-8

Mutagenic substances of Category 2

Substances	Index number	EC number	CAS number
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Cadmium chloride	048-008-00-3	233-296-7	10108-64-2
2,2'-Bioxirane; 1,2:3,4-diepoxybutane	603-060-00-1	215-979-1	1464-53-3

Toxic for reproduction substances of Category 2

Substances	Index number	EC number	CAS number
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Cadmium chloride	048-008-00-3	233-296-7	10108-64-2
2,3-Epoxypropan-1-ol; glycidol	603-063-00-8	209-128-3	556-52-5
2-Methoxypropanol	603-106-00-0	216-455-5	1589-47-5
4,4'-Isobutylethylidenediphenol; 2,2-bis(4'-hydroxyphenyl)-4-methylpentane	604-024-00-8	401-720-1	6807-17-6
2-Methoxypropyl acetate	607-251-00-0	274-724-2	70657-70-4
Tridemorph (ISO); 2,6-dimethyl-4-tridecylmorpholine	613-020-00-5	246-347-3	24602-86-6
Cycloheximide	613-140-00-8	200-636-0	66-81-9

LIST OF CONSULTEES

Allders plc.
Arcadia Group plc.
Association of Public Analysts
B&Q plc.
Boots-Product Quality and Development
Centre
British Adhesives and Sealants
Association
British Aerosol Manufacturers
Association
British Association for Chemical
Specialities (BACS)
British Chambers of Commerce
British Chemical Distributors & Trades
Association
British Coatings Federation
British Colourmakers Association
British Footwear Association
British Glove Association
British Hat Guild
British Heart Foundation
British Home Stores
British Importers Federation
British Interior Textiles Association
British Medical Association
British Plastics Federation
British Red Cross
British Retail Consortium
British Rubber Manufacturers Association
British Shops & Stores Association
British Textile Technology Group (BTTG)
British Toy and Hobby Association
(BTHA)
British Wood Preserving & Damp
Proofing Association
Brunel University (Professor Geoffrey
Woodroffe)
BSI Group Headquarters
BSI Product Services
Cancer Research UK
CEH (Centre for Ecology & Hydrology)
CIA (Chemicals Industries Association)
(2)
CMS Cameron McKenna (Mr Christopher
JS Hodges)
Confederation of British Industry
Consumers Association
Consumers in the European Community
Group
Convention of Scottish Local Authorities
(COSLA)
De Monfort University (Professor David
Oughton)
De Montfort University (Mr Chris Willet)
Debenhams Retail plc
Department of Health

Department for the Environment, Food and Rural
Affairs (Defra)
Department for the Environment in Northern Ireland
(DOENI)
Direct Selling Association
Environment Agency (Chemicals Assessment Unit)
ETAD
European Automobile Manufacturers Association
Federation of Small Businesses
FIRA
Friends of the Earth
General Consumer Council for Northern Ireland
Greenpeace
Health & Safety Commission
Health & Safety Executive
HM Customs and Excise
Home Office
House of Commons Library (Deposited Papers)
House of Lords Library (Deposited Papers)
House of Fraser
Intertek Testing Services (Leicester) Ltd.
JAMA Europe
John Lewis Partnership
KAMA
LACORS
Law Commission (Professor Hugh Beale)
LGC Ltd. (Mr Ian Axford)
Local Government Association
LSE (Mr Colin Scott)
LSE (Professor Hugh Collins)
Mail Order Traders Association
Manchester University (Mr Richard Bragg)
Marie Curie Cancer Care
Maritime and Coastguard Agency
Marks & Spencer
Medical Research Council
Morton International Ltd
National Assembly for Wales Agriculture
Department
National Association of Local Councils
National Consumer Council
National Consumer Federation
National Council of Women of Great Britain
National Federation of Consumer Groups
National Federation of Women's Institutes
Northern Ireland Chamber of Commerce & Industry
Northern Ireland Local Government Association
Northern Ireland Office
Nottingham Trent University (Mr Christian Twig-
Flesner)
OXFAM
Pesticides Safety Directorate
SATRA Quality Assurance Ltd., Kettering
Scottish Consumer Council
Scottish Executive Environmental Affairs
Department (SEERAD)

Scotland Office
Selfridges
Shelter
Society of Chemical Industry
Society of Dyers & Colourists
Society of Local Authority Chief
Executives and Senior Managers
Society of Motor Manufacturers and
Traders Limited (SMMT)
Solvent Industries Association
Somerville College, Oxford (Professor
Stephen Weatherill)
St John's College, Oxford (Mr Simon
Whittaker)
Sue Ryder Care
Textile Finishers Association
Trading Standards Institute
Trading Standards Service
Trades Union Congress
UCATT
University of Dundee (Mr Cowan Ervine)
University of Hull (Ms Deborah Parry)
University of Nottingham (Mr Peter
Cartwright)
University of Sheffield (Mr Robert
Bradgate)
University of Sheffield (Professor Geraint
Howells)
Wales Office
Welsh Consumer Council
Welsh Local Government Association
Women's Environmental Network
World Wildlife Fund (WWF)

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 P. Martin, DTI Consultation Co-ordinator, Room 725, 1 Victoria Street, London SW1H 0ET or telephone him on 020 7215 6206 or email philip.martin@dti.gsi.gov.uk.

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