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Medlemmerne af Folketingets Europaudvalg
deres stedfortrædere

Journalnummer
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Kontor
EUK

8. september 2004

KOMITÉSAG

Til underretning for Folketingets Europaudvalg vedlægges Miljøministeriets notat samt grundnotat om Kommissionens forslag til direktiv om tilpasning til den tekniske udvikling af bilag II og III til Rådets direktiv 76/768/EØF om indbyrdes tilnærmelse af medlemsstaternes lovgivning om kosmetiske midler (CMR-stoffer – 34. tilpasning).

Medlemslandenes skal skriftligt afgive deres stemme om forslaget inden den 8. september 2004.

Ledelsessekretariatet,
EU-koordinationen

J.nr. D 346-0002
Ref.
Den



Notat til Folketingets Europaudvalg vedrørende Kommissionens forslag til direktiv om tilpasning til den tekniske udvikling af bilag II og III til Rådets direktiv 76/768/EØF om indbyrdes tilnærmelse af medlemsstaternes lovgivning om kosmetiske midler (CMR-stoffer – 34. tilpasning)

Kommissionen har den 3. september 2004 oversendt ovennævnte forslag til forvaltningskomiteen for direktiv 76/786/EØF om indbyrdes tilnærmelse af medlemsstaternes lovgivning om kosmetiske midler med henblik på skriftlig afstemning den 8. september 2004.

Kommissionen anvender den såkaldte hasteprocedure med en fem dages frist, uden at der tilsyneladende er særlig grund til dette.

Regeringen har tilsluttet sig forslagene.

Miljøministeren har i forlængelse af Kommissionens anvendelse af hasteproceduren sendt vedlagte brev til nuværende og kommende Kommissær for DG "enterprise", som har ansvaret for kosmetikdirektivet.

MILJØstyrelsen
Kemikalier
346/0002

6. september 2004
EHT/EU-K

j.nr.

GRUNDNOTAT

vedrørende

Forslag til Kommissionens direktiv om tilpasning til den tekniske udvikling af bilag II og III til

Medlemslandenes skal skriftligt afgive deres stemme om forslaget inden den 8. september 2004.

2. Formål og indhold

Formålet med forslaget er at gennemføre de ændringer af kosmetikdirektivet, som er nødvendiggjort af nye videnskabelige vurderinger fra Den Videnskabelige Komité for Forbrugerprodukter (SCCP).

Forslaget er en opfølgning på den seneste ændring af kosmetikdirektivet (7. ændring) som blev forhandlet på plads under dansk formandskab. Forslaget gennemfører det generelle forbud mod CMR-stoffer (stoffer som er kræftfremkaldende eller som skader forplantningsevne eller arveanlæg) som blev vedtaget under 7. ændring.

Med forslaget forbydes de stoffer, der i bilag I til Rådets direktiv 67/548/EØF af 27. juni 1967 om tilnærmelse af lovgivning om klassificering, emballering og etikettering af farlige stoffer¹ er klassificeret som CMR-stoffer i kategori 1, 2 eller 3, såfremt de ikke allerede er forbudte i medfør af bilag 2 til kosmetikdirektivet. Samtidig fjernes et enkelt stof, blyacetat, der er klassificeret som et CMR stof i kategori 1 fra bilag III til kosmetikdirektivet, hvormed stoffet fra at have et begrænset anvendelsesområde bliver helt forbudt. Dog tillades anvendelsen af stoffer, der er klassificeret i kategori 3, såfremt de på grundlag af en vurdering godkendes af EU's videnskabelige komité for forbrugerprodukter, SCCP.

3. Nærheds- og proportionalitetsprincippet

Forslaget har til formål at tilpasse det eksisterende kosmetikdirektiv og er derfor ikke i konflikt med nærheds- og proportionalitetsprincippet.

4. Konsekvenser for Danmark

Lovgivningsmæssige konsekvenser:

Det er Miljøstyrelsens vurdering, at direktivforslaget skal implementeres ved udstedelse af en dansk bekendtgørelse. Reglerne skal efter forslagene være gennemført i dansk ret senest 11. september 2004.

Økonomiske og administrative konsekvenser:

Forslaget forventes ikke at have væsentlige økonomiske konsekvenser, da forslaget er en opfølgning på det generelle forbud der blev indført med 7. ændring. Hertil kommer, at forslaget retter sig mod produktionsvirksomheder, hvoraf der i Danmark kun findes få og mindre virksomheder.

Beskyttelsesniveau:

Forslaget forventes at medføre en forbedring af beskyttelsesniveauet i Danmark.

5. Høring
Forslaget har ikke været sendt i høring.



Günter Verheugen
Commissioner for Enterprise and Industry
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*MINISTER FOR THE
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CVR-no.: 12-85-43-58*

The Committee procedure and the Cosmetics Directive

Date

Dear Günter Verheugen

I am writing to you in order to draw your attention to certain problems pertaining to the great haste in which several proposals to amend the Cosmetics Directive has been forwarded to Member States.

To be more specific I am addressing the procedure that has been used on four different proposals by the Commission to adapt to technical progress the Cosmetics Directive. The first proposal was forwarded on 10. August 2004 and subsequently 3 other proposals have been forwarded. All four proposals has been forwarded for adoption by Member States by written procedure, and furthermore the procedure envisaged by the Commission is the procedure that leaves only 5 days for Member States to give their vote on the proposals.

The internal governmental procedure that has to be used in Denmark when preparing the Danish vote on the four proposals mentioned above entails a substantial consultation conducted by the Ministry of Environment vis a vis a large number of government bodies and organisations and of the Danish Parliament. This procedures ensures both the co-ordination required to secure a cohesive policy as well as the democratic mandate needed to give the Danish vote on the proposals.

It is therefore of immense importance for Denmark's possibilities to use the internal Danish procedure that there is a sufficient amount of time to do so. The time limit of 5 days however makes it very difficult to complete the internal procedure. It is therefore my unambiguous expectation, that the time limit of 5 days will only be used in exceptional cases.

Concerning the four proposals mentioned above I therefore find it very hard to understand, that the Commission in all four cases has deemed it necessary to use the very short time limit of 5 days.

As an example it seems unlikely to me, that the use of the short time limit is justified in the cases of the first two proposals that were forwarded to Member States on the 10. and 11. of August 2004. These two proposals concerns the prolongation of time limits that were introduced into the directive already in 2001. In my opinion it is reasonable to expect, that these two proposals could have been introduced at an earlier stage and with a time limit for Member States to give their vote that could have been substantially longer than just 5 days.

To summarise my request to you, I will very strongly encourage the Commission only to use the

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short time limit of 5 days in exceptional cases when amending the Cosmetics Directive in the future. I will also call upon you to ensure, that the Commission Services in these cases will inform Member States well ahead of time if and when such a short time limit will be used, and to give exact account of the reasons to do so.

MINISTER FOR THE

Kind regards

Erkki Liikanen
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Rue de la Science 15
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The Committee procedure and the C
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Kind regards

1 EFT 196 af 16.8.1967, s. 1. Senest ændret ved Rådets forordning (EF) nr. 807/2003 (EUT L 122 af 16.5.2003, s. 36).

