



Notification Number: 2009/34/F

## Order on the conditions on placing construction and decoration products containing carcinogenic, mutagenic or reprotoxic substances of category 1 or 2 on the market.

Date received : 22/01/2009

End of Standstill : 23/04/2009

Issue of comments by : Commission

### Message

Message 002

Communication from the Commission - SG(2009) D/50152

Directive 98/34/EC

Translation of the message 001

Notification: 2009/0034/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200900152.EN)

#### 1. Structured Information Line

MSG 002 IND 2009 0034 F EN 23-04-2009 22-01-2009 F NOTIF 23-04-2009

#### 2. Member State

F

#### 3. Department Responsible

Délégué interministériel aux normes – SQUALPI – 12, rue Villiot – 75572 PARIS Cedex 12

d9834.france@finances.gouv.fr

tél : 01 53 44 98 24 – fax : 01 53 44 98 88

#### 3. Originating Department

Ministère de l'écologie, de l'énergie, du développement durable et de l'aménagement du territoire.

Direction générale de la prévention des risques.



Service de la prévention des nuisances et de la qualité de l'environnement  
Département Produits chimiques, pollutions diffuses, agriculture  
Bureau des substances et préparations chimiques  
20 avenue de Ségur - 75302 Paris 07 SP

#### **4. Notification Number**

2009/34/F - B20

#### **5. Title**

Order on the conditions on placing construction and decoration products containing carcinogenic, mutagenic or reprotoxic substances of category 1 or 2 on the market.

#### **6. Products Concerned**

Construction products

#### **7. Notification Under Another Act**

NO

#### **8. Main Content**

This text is a Ministerial Order prohibiting the placing on the market and use of construction and decoration products that emit certain carcinogenic, mutagenic or reprotoxic substances in category 1 or 2. It provides for the placing of construction and decoration products on the market only if they emit less than 1 µg/m<sup>3</sup> for the following substance: trichlorethylene.

This limit is measured and calculated according to the standard NF ISO 16000

Keywords: construction materials, carcinogenic, mutagenic, reprotoxic, emission.

#### **9. Brief Statement of Grounds**

Generally speaking, the placing on the market of substances and preparations classed as carcinogenic, mutagenic and toxic to reproduction (CMR) in categories 1 and 2 for the use of consumers is prohibited. Construction and decoration materials are generally similar to articles and therefore escape this generic prohibition. But the population spends more than 80% of its time in premises and, more generally, confined spaces that may present high concentrations of pollutants, particularly of volatile organic compounds related to buildings which incorporate CMR substances. The prohibition of CMR substances in construction products will make it possible to guarantee the protection of health and reduce the potential impact of materials on the quality of indoor air.

#### **10. Reference Documents - Basic Texts**

Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances. Annex I.

Directive 89/106/EC on construction products

Article L.521-6 of the Environmental Code: "Art. L.521-6-II. The following measures may be taken for substances and preparations presenting unacceptable hazards or risks for humans or the environment, as well as for manufactured products or equipment containing them in the conditions provided for in Article L. 521-1: Firstly, a measure of total, provisional or partial prohibition of their production, importation, exportation, transport, placing on the market or certain uses; secondly, a stipulation restricting or regulating the production,



importation, exportation, placing on the market, certain uses, retrieval, regeneration, recycling, elimination, storage, transport, composition, labelling, packaging, commercial name and advertising, as well as any other condition required to preserve public health or the environment."

f) Cf. impact assessment

**11. Invocation of the Emergency Procedure**

NO

**13. Confidentiality**

NO

**14. Fiscal measures**

NO

**15. Impact assessment**

Impact assessments: YES, this assessment can be found attached

**16. TBT and SPS aspects**

TBT aspect (Agreement on Technical Barriers to Trade)

a) YES

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

a) NO

The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement

Catherine Day  
Secrétaire général  
Commission européenne

Point de contact Directive 98/34  
Fax: (32-2) 296 76 60  
email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)

-----  
sent to :



Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Frau MARKL Iris

European Free Trade Association  
.

Malta standards Authority  
Sarah Jane Meli

Kommerskollegium  
Ms Gunnel Fälth

Slovenian Institute for Standardization SIST  
Mrs Vesna Stazisar

Service de l' Energie de l' Etat  
M.Romain Nies

Ministerio de Asuntos Exteriores DG de Coordinación del Mercado Interior  
x

Représentation Permanente de la France  
.

Ministerio dell'industria  
Sr. CASTIGLIONI Enrico

Ministry of Economy Dept for Economic Regulations  
Mrs Barbara H. Kozłowska

Ministry of Economy and Commerce Division for Internal Market  
Catalina Groza

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Frau Brigitte WIKGOLM

Représentation Permanente de la Belgique auprès de l'Union européenne  
.

Min. of Economic Affairs & Communication  
Mr. Karl Stern

Délégation Interministérielle aux Normes  
Mme PORTOU-DUPIN

Min. of Industry, Energy & Technology  
Mr K. Polychronidis

CU N Lovseth Hanne Leen  
.



Ministerie van Financiën Belastingdienst - Douane Noord / CDIU  
De Heer IJ.G. van der Heide

Instituto Português da Qualidade  
Sra Eng<sup>a</sup>. Anete Freitas

Bundesministerium für Wirtschaft und Bund Arbeit - Abteilung C2/1  
Franz BORTH

Institut Belge de Normalisation  
Mme F. Hombert

EU internal market coordination (Ministry of Economics)  
Mr. Dainis Matulis

Dept for Innovation Univ & Skills Innovation Unit  
Mr Philip Plumb

BELNotif (Qualité et Sécurité) SPF Economie, PME, Classes moyennes, Energ  
M. Paul Caruso

Cyprus org. for the promotion of quality Ministry of Commerce, Industry & Tourism  
M. Antonis Ioannou

ELOT  
Mrs. Tzoulou Afroditi

NSAI  
Mr Tony Losty

Service de l'Energie de l'Etat (ILNAS)  
Mr Richard Berg

Lithuanian Standards Board  
Daiva Lesickiene

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Mr Mehmet COMERT

Czech Office for Standards, Metrology and testing  
Mrs Lucie Ruzickova

Erhvervs- og Byggestyrelsen/Danish Enterprise & Construction Authority  
Bjarne Bang Christensen

EFTA Surveillance Authority  
Mr. Gunnar Thor PETURSSON

Työ- ja elinkeinoministeriö  
Ms. Leila Orava



Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Ida CSISZAR

State Agency for Metrological and Technical Surveillance  
Violetta Veleva

SL

.

BundesMinisterium für Wirtschaft und Technologie (Referat EA3)  
Frau Christina Jäckel

Hungarian Notification Centre Ministry of National Development and Eco  
Mr Zsolt Fazekas

Ministero dello sviluppo economico Dipartimento per regolazione del mercato  
Mr. Vincenzo Correggia

Représentation Permanente du Luxembourg

.

Office of standards, metrology & Testing Director of the department of European I  
Mrs Kvetoslava STEINLOVA

-----  
sent to :

European Free Trade Association

.

Malta standards Authority  
Sarah Jane Meli

Ministry of Economy and Commerce Division for Internal Market  
Catalina Groza

CU N Lovseth Hanne Leen

.

Dept for Innovation Univ & Skills Innovation Unit  
Mr Philip Plumb

NSAI  
Mr Tony Losty

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Mr Mehmet COMERT

EFTA Surveillance Authority



Mr. Gunnar Thor PETURSSON

Työ- ja elinkeinoministeriö  
Ms. Leila Orava

Représentation Permanente du Royaume-Uni  
.

State Agency for Metrological and Technical Surveillance  
Violetta Veleva

SL  
.

Hungarian Notification Centre Ministry of National Development and Eco  
Mr Zsolt Fazekas

Représentation Permanente de l'Irlande  
Denis Colfer