



Notification Number: 2012/310/F

**Decree of [ ] amending the decree of 31 August 2009 on the general provisions applicable to facilities classified for environmental protection subject to declaration under heading No 2345 on the use of solvents in dry cleaning and the treatment of textiles or clothing.**

Date received : 10/05/2012  
End of Standstill : 13/08/2012 ( 12/11/2012)  
Issue of comments by : Belgium, Commission  
Issue of detailed opinion by : Czech Republic, Italy

**Message**

Message 002

Communication from the Commission - SG(2012) D/51263  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2012/0310/F

No abre el plazo - Nezahtajuje 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: 201201263.EN)

**1. Structured Information Line**

MSG 002 IND 2012 0310 F EN 10-05-2012 F NOTIF

**2. Member State**

F

**3. Department Responsible**

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### 3. Originating Department

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### 4. Notification Number

2012/0310/F - S30E

### 5. Title

Decree of [ ] amending the decree of 31 August 2009 on the general provisions applicable to facilities classified for environmental protection subject to declaration under heading No 2345 on the use of solvents in dry cleaning and the treatment of textiles or clothing.

### 6. Products Concerned

Dry cleaning and textile or clothing treatment facilities and their operators

### 7. Notification Under Another Act

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### 8. Main Content

The dry cleaning facilities are the classified facilities referred to in heading 2345 of the nomenclature and regulated according to the Ministerial Decree of 31 August 2009. The draft decree aims to strengthen implementation and operating conditions at these facilities, by providing for the following measures, in particular:

- prohibition of machines using perchloroethylene or solvents whose volatility is at least the same as perchloroethylene in workshops adjacent to spaces occupied by third parties:
- for new facilities as of 2012;
- and for existing facilities modified after 2012 or those in operation for 15 years as of 1 January 2014;
- advance to 2018 of the 2021 deadline established for implementing state-of-the-art machines (refrigeration condensers, automatic discharge system, etc.) and to evaluate the machine's compliance with VOC discharge requirements;
- advance of first periodic control date and introduction of major infringements;
- removal of the derogation on the minimal distance from the point of discharge, immediately for new facilities and, in 2022, for facilities which have already installed a filter and strengthen filter usage conditions by 2022;
- adaptation of restrictions for substitutes (ventilation limited to when the machine is operating and reduction of minimal distance from the point of discharge)
- establishing of a maximum level of 1,250 microg/m<sup>3</sup> of perchloroethylene in the air inside areas in the vicinity of the workshop.



## 9. Brief Statement of Grounds

Measurements made in apartments located above the dry cleaning shops show high concentrations of perchloroethylene, even for recent machines in compliance with discharge requirements, which can exceed limit values established by the French Agency for Food, Environmental and Occupational Health Safety (ANSES) and the High Public Health Council. In its opinion of 16 June 2010, the High Public Health Council recommended that "in the future, no new dry cleaning shop be installed in the immediate vicinity of housing, except if they use techniques and provisions which protect against any contamination of the site".

Today, the regulation reinforcement adopted in 2009 remains insufficient given the health risks which dry cleaning shops using perchloroethylene and given the difficulties noted since 2008 of regulation compliance. The draft decree thus foresees, ultimately, the prohibition of facilities using perchloroethylene when they are located adjacent to third party occupied sites.

The other measures provided for aim at strengthening the implementation conditions of the decree and adapting the requirements for facilities which remain subject to heading 2345 when a solvent is used.

## 10. Reference Documents - Basic Texts

References to reference texts: – Environmental Code, specifically its Articles

L511-1, L511-2, L512-10, L512-11 and R512-55 to R512-60;

- Decree of 31 August 2009 on the general provisions applicable to facilities classified for environmental protection subject to declaration under heading No 2345 on the use of solvents in dry cleaning and the treatment of textiles or clothing notified 2009/278/F

- Opinion on management measures to implement in the event of high levels of tetrachloroethylene in the air inside housing units – High Public Health Council - 16 June 2010

- Opinion on the benchmark values for managing tetrachloroethylene in the air of enclosed spaces – High Public Health Council – 16 June 2010

- Moreover, perchloroethylene was subject to a risk assessment under Regulation No 793/93 (available at: [http://esis.jrc.ec.europa.eu/doc/risk\\_assessment/EURATS/CONCLUSIONS/eurats\\_concl\\_021.pdf](http://esis.jrc.ec.europa.eu/doc/risk_assessment/EURATS/CONCLUSIONS/eurats_concl_021.pdf)). A comprehensive assessment under the REACH Regulation is scheduled in 2013 due to concern for human health relating to its toxicological properties and exposure.

## 11. Invocation of the Emergency Procedure

No

## 12. Grounds for the Emergency

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## 13. Confidentiality

No

## 14. Fiscal measures

No

## 15. Impact assessment

-

## 16. TBT and SPS aspects



TBT aspect

Yes

SPS aspect

No - The draft is not a sanitary or phytosanitary measure.

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