

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 28 May 2008

on risk reduction measures for the substances 2-nitrotoluene and 2,4-dinitrotoluene*(notified under document number C(2008) 2233)***(Text with EEA relevance)**

(2008/405/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances ⁽¹⁾ and in particular Article 11(2) thereof,

Whereas:

- (1) In the framework of Regulation (EEC) No 793/93 the following substances have been identified as priority substances for evaluation in accordance with Commission Regulation (EC) No 2364/2000 of 25 October 2000 concerning the fourth list of priority substances as foreseen under Council Regulation (EEC) No 793/93 ⁽²⁾:

— 2-nitrotoluene,

— 2,4-dinitrotoluene.

- (2) The rapporteur Member State designated pursuant to those Regulations has completed the risk evaluation activities with regard to man and the environment for those substances in accordance with Commission Regulation (EC) No 1488/94 of 28 June 1994 laying down

the principles for the assessment of risks to man and the environment of existing substances in accordance with Council Regulation (EEC) No 793/93 ⁽³⁾ and has suggested a strategy for limiting the risks.

- (3) The Scientific Committee on Health and Environmental Risks (SCHER) has been consulted and has issued opinions with respect to the risk evaluations carried out by the rapporteur. The opinions have been published on the website of the Scientific Committee.

- (4) The results of the risk evaluation and further results of the strategies for limiting the risks are set out in the corresponding Commission Communication ⁽⁴⁾.

- (5) It is appropriate, on the basis of that evaluation, to recommend certain risk reduction measures for certain substances. For the substances which are not specifically listed, there are no recommendations for the addressees of this Recommendation.

- (6) The risk reduction measures recommended for workers should be considered within the framework of the legislation for workers protection, which is considered to provide an adequate framework to limit the risks of the relevant substances to the extent needed.

- (7) The risk reduction measures provided for in this recommendation are in accordance with the opinion of the Committee set up pursuant to Article 15(1) of Regulation (EEC) No 793/93,

⁽¹⁾ OJ L 84, 5.4.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 273, 26.10.2000, p. 5.

⁽³⁾ OJ L 161, 29.6.1994, p. 3.

⁽⁴⁾ OJ C 134, 31.5.2008, p. 4.

HEREBY RECOMMENDS:

SECTION 1

2,4-DINITROTOLUENE

(CAS No 121-14-2; Eines No 204-450-0)

Risk reduction measures for the environment (1, 2, 3)

1. Competent authorities in the Member States concerned should lay down, in the permits issued under Directive 2008/1/EC of the European Parliament and of the Commission ⁽¹⁾, conditions, emission limit values or equivalent parameters or technical measures regarding 2,4-dinitrotoluene in order to operate according to the Best Available Techniques (BAT) taking into account the technical characteristic of the installations concerned, their geographical location and the local environmental conditions.
2. Member States should carefully monitor the implementation of BAT regarding 2,4-dinitrotoluene and report any important developments to the Commission in the framework of the exchange of information on BAT.

3. Local emissions to the aquatic environment and via air emissions of 2,4-DNT should, where necessary, be controlled by national rules to ensure that no risk for the environment is expected.

SECTION 2

ADDRESSEES

4. This Recommendation is addressed to all sectors importing, producing, transporting, storing, formulating into a preparation or other processing, using, disposing or recovering the substances and to the Member States.

Done at Brussels, 28 May 2008.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 24, 29.1.2008, p. 8.