RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 30 May 2008

on risk reduction measures for the substances: trichloroethylene, benzene, and 2-methoxy-2-methylbutane (TAME)

(notified under document number C(2008) 2271)

(Text with EEA relevance)

(2008/471/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 Regulations (EC) No 1179/94 [2] and (EC) No 2364/2000 [3] respectively concerning the first and the fourth list of priority substances as foreseen under Regulation (EEC) No 793/93:

— trichloroethylene,

— benzene,

— 2-methoxy-2-methylbutane (TAME).

(2) The rapporteur Member States designated pursuant to those Regulations have 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 [4] and have suggested a strategy for limiting the risks.

(3) The Scientific Committee on Toxicity, Ecotoxicity and the Environment (SCTEE) and the Scientific Committee on Health and Environmental Risks (SCHER) have been consulted and have issued opinions with respect to the risk evaluations carried out by the rapporteurs. The opinions have been published on the website of the Scientific Committees.

(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 [5].

(5) It is appropriate, on the basis of that evaluation, to recommend certain risk reduction measures for certain substances.

[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 131, 26.5.1994, p. 3.
[3] OJ L 273, 26.10.2000, p. 5.
[4] OJ L 161, 29.6.1994, p. 3.
[5] OJ C 157, 21.6.2008, p. 1.

(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,

HEREBY RECOMMENDS:

SECTION 1

TRICHLOROETHYLENE

(CAS No 79-01-6; Einecs No 201-167-4)

Risk reduction measures for workers (1)

1. A voluntary agreement should be considered with the European Chlorinated Solvents Association on behalf of European producers of the substance, their distributors and customers, restricting the sale of the substance to purchasers who comply with the Charter for the safe use of trichloroethylene in metal cleaning. This Charter requires that users may only use trichloroethylene for metal cleaning in sealed or enclosed systems as defined in Part 4 of European Standard EN 12921, and is subject to third-party monitoring of compliance.

SECTION 2

BENZENE

(CAS No 71-43-2; Einecs No 200-753-7)

Risk reduction measures for the environment (2, 3, 4 and 5)

2. For the elimination of potential risks to industrial wastewater treatment plants at benzene production and/or processing sites it is recommended that competent authorities in the Member States concerned lay down conditions, emission limit values or equivalent parameters or technical measures regarding benzene in the permits issued under Council Directive 2008/1/EC of the European Parliament and of the Council [1] (Integrated Pollution Prevention and Control) in order to operate according to the best available techniques taking into account the technical characteristic of the installations concerned, their geographical location and the local environmental conditions.

3. Member States should carefully monitor the implementation of BAT regarding benzene and report any important developments to the Commission in the framework of the exchange of information on BAT.

4. To facilitate permitting and monitoring under Directive 2008/1/EC (Integrated Pollution Prevention and Control) benzene should be included in the ongoing work to develop guidance on 'Best Available Techniques' (BAT).

5. Exposure of microorganisms in industrial wastewater treatment plants should, where necessary, be controlled by national rules to ensure that no risk for the microorganisms and the environment is expected.

SECTION 3

2-METHOXY-2-METHYLBUTANE (TAME)

(CAS No 994-05-8; Einecs No 213-611-4)

Risk reduction measures for the environment (6-11)

6. The prevention of all anthropogenic inputs, including TAME, to groundwater is a key objective of current Community legislation [2]. It is recommended therefore that monitoring programmes be undertaken, where appropriate, in order to permit the early detection of groundwater contaminated by TAME.

7. It is further recommended that the best available techniques be widely applied for the construction and operation of petrol underground storage and distribution facilities at service stations. In this regard Member States should consider mandatory requirements especially for all service stations in groundwater recharge areas.

8. The competent authorities in the Member States concerned should lay down, in the permits issued under Directive 2008/1/EC, conditions, emission limit values or equivalent parameters or technical measures regarding TAME in order for installations concerned 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.

9. Member States should carefully monitor the implementation of BAT regarding TAME and report any important developments to the Commission in the framework of the exchange of information on BAT.

10. Local emissions to the surface water should, where necessary, be controlled by national rules to ensure that no risk for the environment is expected.

11. The risk reduction measures recommended to protect the groundwater are considered sufficient to protect humans via the environment.

[1] OJ L 24, 29.1.2008, p. 8.

[2] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

SECTION 4

ADDRESSEES

12. 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, 30 May 2008.

For the Commission

Stavros DIMAS

Member of the Commission