



4 May 2016

(16-2502)

Page: 1/2

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2.	Agency responsible: European Commission Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: European Commission EU-TBT Enquiry Point Fax: +(32) 2 299 80 43 E-mail: grow-eu-tbt@ec.europa.eu Website: http://ec.europa.eu/growth/tools-databases/tbt/
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): bis(pentabromophenyl)ether (decaBDE) as a substance on its own and as a constituent of other substances, in mixtures, or in articles or any part thereof, in a concentration equal to or greater than 0.1% by weight
5.	Title, number of pages and language(s) of the notified document: Draft Commission Regulation amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards bis(pentabromophenyl)ether (5 pages + Annex 2 pages, in English)
6.	Description of content: This notified draft relates to a new entry in Annex XVII to Regulation (EC) No 1907/2006. It intends to restrict the manufacturing and placing on the market of bis(pentabromophenyl)ether (decaBDE) as a substance on its own and the use and placing on the market of decaBDE as a constituent of other substances, in mixtures, or in articles or any part thereof, in a concentration equal to or greater than 0,1% by weight. Exemptions are proposed for the production and placing on the market of aircraft; for the production and placing on the market of spare parts for aircraft, motor vehicles within the scope of Directive 2007/46/EC, agricultural and forestry vehicles within the scope of Regulation (EU) No 167/2013 and machinery within the scope of Directive 2006/42/EC; articles placed on the market for the first time before the date of application of the Regulation; and electrical and electronic equipment within the scope of Directive 2011/65/EC. Application of the restriction is deferred for 18 months to allow industry sufficient time to adapt and achieve compliance.

7.	<p>Objective and rationale, including the nature of urgent problems where applicable: decaBDE is widely used as a flame retardant in particular in textiles and plastics. The persistent and bioaccumulative properties of decaBDE give rise to specific concerns about its widespread distribution and potential to cause irreversible long-term harm to the environment, even after emissions have ceased. The toxicity of decaBDE has been determined based on the toxicity of its breakdown products. In addition, exposure to decaBDE in its lower brominated transformation products may result in neurotoxicity in mammals, including humans.</p> <p>The proposed restriction is expected to reduce emissions of decaBDE in the medium to long term and no significant costs to producers and downstream users are expected, taking into account the proposed exemptions.</p>
8.	<p>Relevant documents:</p> <ul style="list-style-type: none"> • Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH Regulation): http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1423064258789&uri=CELEX:32006R1907 • The opinions of the Committees for Risk Assessment (RAC) and Socio-economic Analysis (SEAC): http://echa.europa.eu/documents/10162/b5ac0c91-e110-4afb-a68d-08a923b53275 • Further background information is available at: http://echa.europa.eu/previous-consultations-on-restriction-proposals/-/substance-rev/1897/term
9.	<p>Proposed date of adoption: Second half of 2016</p> <p>Proposed date of entry into force: 20 days from publication in the Official Journal of the EU (the restriction will begin to apply 18 months after the date of entry into force)</p>
10.	<p>Final date for comments: 60 days from notification</p>
11.	<p>Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>European Commission EU-TBT Enquiry Point Fax: + (32) 2 299 80 43 E-mail: grow-eu-tbt@ec.europa.eu</p> <p>The text is available on the Website: http://ec.europa.eu/growth/tools-databases/tbt/ https://members.wto.org/crnattachments/2016/TBT/EEC/16_1812_00_e.pdf https://members.wto.org/crnattachments/2016/TBT/EEC/16_1812_01_e.pdf</p>