



23 April 2020

(20-3204)

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/en
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 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): Recently classified carcinogenic, mutagenic and reproductive toxicants (CMR) category 1A and 1B as substances on their own, as constituents of other substances or in mixtures that are placed on the market or used for supply to the general public, devices covered by EU Regulation 2017/745 on medical devices, persistent organic pollutants, certain liquid substances or mixtures, nonylphenol, azocolourants.
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 carcinogenic, mutagenic or reproductive toxicant (CMR) substances, devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council, persistent organic pollutants, certain liquid substances or mixtures, nonylphenol and testing methods for azocolourants (5 page(s), in English; 4 page(s), in English)
6. Description of content: In the first place, this draft Commission Regulation aims to include within the scope of entries 28 to 30 of Annex XVII to Regulation (EC) No 1907/2006 several substances, with the effect of restricting their placing on the market or use for supply to the general public as substances on their own, as constituents of other substances or in mixtures and to impose the requirement to mark packaging with the label "restricted to professional users". This is consequent on the recent classification of these substances as CMR category 1A or 1B under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, as amended by Commission Regulation (EU) 2018/1480 and Commission Delegated Regulation (EU) 2020/217. Moreover, this draft Commission Regulation aims to: <ul style="list-style-type: none">• delete three entries from Annex XVII to the REACH Regulation, as the substances

<p>concerned have been, or are about to be, incorporated into Regulation 2019/2012 on persistent organic pollutants;</p> <ul style="list-style-type: none"> • include an exemption, from the aforementioned entries 28 to 30, for devices covered by Regulation (EU) 2017/745 on medical devices; • delete an obsolete paragraph mandating a review of the restriction on liquid substances or mixtures; • delete obsolete references to "R phrases" from the restriction on liquid substances or mixtures; • delete obsolete references to CMR classifications under Directive 67/548 from the titles of Appendixes 1-6 of Annex XVII; • update the references to testing methods for azocolourants in Appendix 10 of Annex XVII, to reflect technical progress; • and finally delete the CAS and EC numbers from entry 46 of Annex XVII, as their inclusion, in 2009, inadvertently reduced the scope of this entry, and the original intention of the legislator should be reflected again.
<p>7. Objective and rationale, including the nature of urgent problems where applicable: The abovementioned substances recently received new harmonised classifications as CMR category 1A or 1B. In accordance with Article 68(2) of Regulation (EC) 1907/2006 (REACH), the Commission may propose a restriction on the use of these substances and mixtures containing them by consumers. The other proposed changes aim to increase legal clarity and consistency, facilitate implementation and/or avoid double regulation.</p>
<p>8. 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
<p>9. Proposed date of adoption: 4th quarter of 2020</p> <p>Proposed date of entry into force: 20 days from publication in the Official Journal of the EU. The provisions will apply from different deadlines in accordance with Article 2(2) of the Act.</p>
<p>10. Final date for comments: 60 days from notification</p>
<p>11. 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 The text is available on the EU-TBT Website: http://ec.europa.eu/growth/tools-databases/tbt/en https://members.wto.org/crnattachments/2020/TBT/EEC/20_2866_00_e.pdf https://members.wto.org/crnattachments/2020/TBT/EEC/20_2866_01_e.pdf</p>