



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Consumer, Environmental and Health Technologies

Directorate-General for Environment
Circular Economy and Green Growth

Directors

Brussels, 16/05/2019
GROW/D1/EGJ/al
grow.ddg1.d.1(2019) 3491222

NOTE FOR THE ATTENTION OF MR B. HANSEN, EXECUTIVE DIRECTOR ECHA

Subject: Request to the European Chemicals Agency to review entry 63 of Annex XVII to REACH as regards lead in certain articles supplied to the general public in the light of new scientific information

Pursuant to paragraph 9 of entry 63 of Annex XVII to REACH, the Commission must re-evaluate the current restriction for lead in certain articles supplied to the general public and based on this re-evaluation, if appropriate, modify the entry accordingly.

More specifically the re-evaluation refers to:

- Assessing the availability and suitability of analytical methods to determine that the rate of lead release from articles (coated or uncoated) does not exceed the limit of 0.05 micrograms/cm² per hour.
- Assessing that the coatings mentioned in paragraph 7 are sufficient to ensure that the release rate of lead is not exceeded for a period of at least two years of normal and reasonably foreseeable conditions of use of the article. The suitability of the wear test method EN 12472:2005+A1:2009¹, as well as the availability of other methods, to determine coating integrity of articles containing lead should be subjected to expert assessment. The Commission services will assist ECHA in identifying experts in this field.
- Assessing new scientific information including on the availability of alternatives to lead in articles listed in paragraph 8(e) keys and locks, including padlocks, (f) musical instruments, (i) religious articles and (j) portable zinc-carbon batteries and button cell batteries. The resulting report should include an assessment of the frequency and content of lead in these articles, of the technical function provided by lead in these and on the availability of alternative substances or technologies that would advise the reconsideration of these derogations from paragraph 7. A

¹ This standard is currently under revision. See draft prEN 12472 of November 2018.

quantitative assessment of the possible socio-economic consequences associated to potential removal of these derogations should be provided as well a clear and motivated recommendation in order to allow the Commission services to decide whether to review or maintain the derogations.

In order to enable the Commission to conduct the re-evaluation of the existing restriction in accordance with paragraph 9 of entry 63 to Annex XVII to REACH, the Agency is requested to investigate the matters listed above. The conclusions of this assessment should be clear, concise and included in the format of an Annex XV dossier adapted as necessary to the scope of the task requested.

Timing

ECHA should deliver to the Commission an evaluation report, reflecting the assessment described above, as well as its recommendations, no later than 4 November 2019.

Based on this report and taking also due account of the findings reported by ECHA in its report² on lead in jewellery, the Commission will consider whether to request ECHA to prepare an Annex XV dossier in accordance with Article 69(1) to launch the procedure to amend entry 63 of REACH including, potentially, modifying paragraphs 1, 4, 7 and 8.

Yours sincerely,

(e-signed)

Carlo Pettinelli
DG Internal Market, Industry,
Entrepreneurship and SMEs

(e-signed)

Kestutis Sadauskas
DG Environment

² Publication in ECHA website of final report pending