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Delegations will find attached document D035742/03 ANNEX 1.

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Encl.: D035742/03 ANNEX 1



EUROPEAN  
COMMISSION

Brussels, **XXX**  
D035742/03  
**[...]**(2014) **XXX** draft

ANNEX 1

**ANNEX**

**to**

**COMMISSION REGULATION (EU) No .../..  
of **XXX****

**amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament  
and of the Council on the Registration, Evaluation, Authorisation and Restriction of  
Chemicals ("REACH") as regards lead and its compounds**

## ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, column 2 of entry 63 is amended as follows:

(1) paragraph 6 is replaced by the following:

“6. By 9 October 2017, the Commission shall re-evaluate paragraphs 1 to 5 of this entry in the light of new scientific information, including the availability of alternatives and the migration of lead from the articles referred to in paragraph 1 and, if appropriate, modify this entry accordingly.”

(2) the following paragraphs are added:

“	<p>7. Shall not be placed on the market or used in articles supplied to the general public, if the concentration of lead (expressed as metal) in those articles or accessible parts thereof is equal to or greater than 0.05% by weight, and those articles or accessible parts thereof may, during normal or reasonably foreseeable conditions of use, be placed in the mouth by children.</p> <p>That limit shall not apply where it can be demonstrated that the rate of lead release from such an article or any such accessible part of an article, whether coated or uncoated, does not exceed 0.05 µg/cm<sup>2</sup> per hour (equivalent to 0.05 µg/g/h), and, for coated articles, that the coating is sufficient to ensure that this release rate is not exceeded for a period of at least two years of normal or reasonably foreseeable conditions of use of the article.</p> <p>For the purposes of this paragraph, it is considered that an article or accessible part of an article may be placed in the mouth by children if it is smaller than 5 centimetres in one dimension or has a detachable or protruding part of that size.</p> <p>8. By way of derogation, paragraph 7 shall not apply to:</p> <ul style="list-style-type: none"><li>a. jewellery articles covered by paragraph 1.</li><li>b. crystal glass as defined in Annex I (categories 1, 2, 3 and 4) to Council Directive 69/493/EEC<sup>1</sup>;</li><li>c. non-synthetic or reconstructed precious and semi-precious stones (CN code 7103 as established by Council Regulation (EEC) No 2658/87<sup>2</sup>) unless they have been treated with lead or its compounds or mixtures containing these substances;</li><li>d. enamels, defined as vitrifiable mixtures resulting from</li></ul>
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<sup>1</sup> Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36).

<sup>2</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

	<p>the fusion, vitrification or sintering of mineral melted at a temperature of at least 500°C;</p> <p>e. keys and locks, including padlocks;</p> <p>f. musical instruments;</p> <p>g. articles and parts of articles comprising brass alloys, if the concentration of lead (expressed as metal) in the brass alloy does not exceed 0.5% by weight;</p> <p>h. the tips of writing instruments;</p> <p>i. religious articles</p> <p>j. portable zinc-carbon batteries and button cell batteries</p> <p>k. articles within the scope of :</p> <ul style="list-style-type: none"> <li>(i) Directive 94/62/EC;</li> <li>(ii) Regulation (EC) No 1935/2004;</li> <li>(iii) Directive 2009/48/EC of the European Parliament and of the Council*;</li> <li>(iv) Directive 2011/65/EU of the European Parliament and of the Council**</li> </ul> <p>9. By 1 July 2019, the Commission shall re-evaluate paragraphs 7 and 8 (e), (f), (i) and (j) of this entry in the light of new scientific information, including the availability of alternatives and the migration of lead from the articles referred to in paragraph 7, including the requirement on coating integrity, and, if appropriate, modify this entry accordingly.</p> <p>10. By way of derogation paragraph 7 shall not apply to articles placed on the market for the first time before [first day of the 13<sup>th</sup> month after the entry into force].</p> <hr/> <p>* Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).</p> <p>** Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).</p>
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