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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	10 January 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	[...] (2022) XXX draft - D 084711/2
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards carcinogenic, mutagenic or reproductive toxicant substances subject to restrictions

Delegations will find attached document [\[...\]](#)(2022) XXX draft - D 084711/2.

Encl.: [\[...\]](#)(2022) XXX draft - D 084711/2



EUROPEAN
COMMISSION

Brussels, XXX
D084711/02
[...] (2022) XXX draft

COMMISSION REGULATION (EU) .../...

of XXX

**amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council
as regards carcinogenic, mutagenic or reproductive toxicant substances subject to
restrictions**

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards carcinogenic, mutagenic or reproductive toxicant substances subject to restrictions

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC¹, and in particular Article 68(2) thereof,

Whereas:

- (1) Entries 28, 29 and 30 of Annex XVII to Regulation (EC) No 1907/2006 prohibit the placing on the market and use, for supply to the general public, of substances that are classified as carcinogenic, mutagenic or reproductive toxicant (CMR), categories 1A or 1B, and listed in Appendices 1 to 6 to that Annex and of mixtures containing such substances above specified concentrations.
- (2) Substances classified as CMR are listed in Part 3 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council².
- (3) Appendices 2 and 6 to Annex XVII to Regulation (EC) No 1907/2006 should be amended in order to reflect the new classification of substances as CMR in Regulation (EC) No 1272/2008 as amended by Commission Delegated Regulation (EU) 2022/692³. It is therefore appropriate to insert the newly classified CMR substances of categories 1A and 1B in Appendices 2 and 6 to Annex XVII to Regulation (EC) No 1907/2006.
- (4) The new classification of substances in Regulation (EC) No 1272/2008 will apply from 1 December 2023. The restriction introduced by this Regulation as regards the substances classified by Regulation (EU) 2022/692 as CMR category 1A or 1B should

¹ OJ L 396, 30.12.2006, p. 1.

² 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, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

³ Commission Delegated Regulation (EU) 2022/692 of 16 February 2022 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 129, 3.5.2022, p. 1).

therefore apply from the same date. The date of application does not prevent operators from applying the restrictions related to the CMR substances of category 1A or 1B listed in the Annex to Delegated Regulation (EU) 2022/692 earlier.

- (5) A number of group entries are included in Part 3 of Annex VI to Regulation (EC) No 1272/2008. In some cases, there are classification requirements for specific substances that would be covered by the group entry. In such cases a specific entry is included in Part 3 of Annex VI to Regulation (EC) No 1272/2008 for the substance and the group entry in that Regulation is then annotated with the phrase ‘except those specified elsewhere in this Annex’. The incorporation of those substances in Appendices 1 to 6 of Annex XVII to Regulation (EC) No 1907/2006 thus needs to reflect that annotation referring to Annex VI to Regulation (EC) No 1272/2008. However, the text in the entries with index numbers 033-005-00-1, 050-008-00-3, 082-001-00-6, 609-026-00-2 and 650-017-00-8 seems to refer to an Annex to Regulation (EC) No 1907/2006 instead of Annex VI to Regulation (EC) No 1272/2008. Those entries should therefore be adapted accordingly.
- (6) Regulation (EC) No 1907/2006 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 133(1) of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Points (2) and (5) of the Annex shall apply from 1 December 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula von der Leyen