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Consumer products

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EU proposes to amend the restriction requirements on lead in Annex XVII of REACH

On June 8, 2022, the World Trade Organization (WTO) issued Circular G/TBT/N/EU/897, proposal by the European Commission to amend (EC) No 1907/2006 Annex XVII Item 63 Lead restriction requirements, adding new restriction on the use of lead and its compounds in PVC articles. The draft will be open for 60 days of public consultation, with a recommended adoption date is the last quarter of 2022 and intended to enter into force 20 days after publication in the Official Journal of the EU.

The proposed new restrictions on item 63 of Annex XVII of REACH Regulation in the draft circular are as follows:

Substance	Proposal conditions of restriction
63. Lead CAS No 7439-92-1 EC No 231-100-4 and its compounds	“15. Shall not be used in articles produced from polymers or copolymers of vinyl chloride (‘PVC’). 16. Shall not be placed on the market in PVC articles if the concentration of lead (expressed as Pb metal) is equal to or greater than 0,1 % by weight of the PVC material. 17. Paragraphs 15 and 16 shall apply with effect from [OP, please insert the date corresponding to 24 months + 1 day after the entry into force of this Regulation]. 18. By way of derogation, paragraphs 15 and 16 shall not apply to the following PVC articles containing recovered rigid PVC until [OP, please insert the date corresponding to 10 years after the entry into force of this Regulation], if the concentration of lead (expressed as metal) is lower than 1,5 % by weight of the recovered rigid PVC and, where a layer of newly produced PVC or other material covers the recovered rigid PVC, the concentration of lead (expressed as metal) is lower than 0,1 % by weight in that layer: (a) profiles and sheets for exterior applications in buildings and civil engineering works, excluding decks and terraces; (b) profiles and sheets for decks and terraces, provided that the recovered PVC is used in a middle layer and is entirely covered with a layer of newly produced PVC or other material; (c) profiles and sheets for use in concealed spaces or voids in buildings and civil engineering works (where they are inaccessible during normal use, excluding maintenance, for



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example, cable ducts);

(d) profiles and sheets for interior building applications, provided that the entire surface of the profile or sheet facing the occupied areas of a building after installation is produced using newly produced PVC or other material;

(e) multi-layer pipes (excluding pipes for drinking water), provided that the recovered PVC is used in a middle layer and is entirely covered with a layer of newly produced PVC or other material;

(f) fittings, excluding fittings for pipes for drinking water.

Rigid PVC recovered from the categories of articles referred to in points (a) to (d) shall only be used for the production of new articles of any of those categories.

Suppliers of PVC articles containing recovered rigid PVC with a concentration of lead (expressed as metal) equal to or greater than 0,1 % by weight of the PVC shall ensure, before placing those articles on the market, that they are visibly, legibly and indelibly marked with the statement: "Contains lead". Where the marking cannot be provided on the article due to the nature of the article, it shall be on the packaging of the article.

Suppliers of PVC articles containing recovered rigid PVC shall submit to national enforcement authorities upon request documentary evidence to substantiate the claims on the recovered origin of the PVC in those articles. Certificates issued by schemes to provide proof of traceability and recycled content, such as those developed according to EN 15343:2007 or equivalent recognised standards, may be used to substantiate such claims for PVC articles produced in the Union.

Claims made on the recovered origin of the PVC in imported articles shall be accompanied by a certificate that provides equivalent proof of traceability and recycled content, issued by an independent third party. By [OP, please insert a date corresponding to 5 years after the entry into force of this Regulation], the Commission shall review this paragraph in light of new scientific information and, if appropriate, modify it accordingly.

19. By way of derogation, paragraphs 15 and 16 shall not apply to:

(a) PVC-silica separators in lead acid batteries, until [OP, please insert a date corresponding to 10 years after the entry into force of this Regulation];

(b) articles covered by paragraph 1, in accordance with paragraphs 2 to 5, and by paragraph 7 in accordance with paragraphs 8 and 10;

(c) articles within the scope of:

(i) Regulation (EC) No 1935/2004;

(ii) Directive 2011/65/EU;



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(iii) Directive 94/62/EC;

(iv) Directive 2009/48/EC.

20. By way of derogation, paragraph 16 shall not apply to PVC articles placed on the market until [OP, please insert a date corresponding to 24 months after the entry into force of this Regulation]. “

Lead is a toxic substance which affects the development of the nervous system, causes chronic kidney disease and has adverse effects on blood pressure. Although no threshold for neurodevelopmental effects in children and for renal effects has been established, according to the European Food Safety Agency the current human exposure to lead from food and other sources still exceeds the tolerable exposure levels and leads to adverse neurodevelopmental effects in children .

Lead stabilisers increase the thermal stability of PVC during compounding and article production. They also protect PVC against photo-degradation. PVC articles containing lead, especially construction products, have long service lives, remaining in use for periods exceeding several decades, after which they become waste upon disposal and may undergo recycling, potentially re-introducing lead into products via the recovered PVC.

Original link : https://members.wto.org/crnattachments/2022/TBT/EEC/22_3991_01_e.pdf

HCT SOLUTION :

PVC products are widely used. If this restriction act is formally implemented, it will affect a large number of PVC manufacturers. Enterprises should continue to pay attention to the revision of laws and regulations, timely clarify whether their products are restricted, and actively develop new materials or use alternative substances to avoid related risks. HCT has a wide range of testing fields and convenient service channels, which can help enterprises evaluate the special chemicals regulated in products and make your products meet the corresponding national and international organization standards.

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