



Council of the
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ENT 177
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COVER NOTE

From: European Commission
date of receipt: 28 September 2016
To: General Secretariat of the Council

Subject: COMMISSION REGULATION (EU) .../... of XXX 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 bis(pentabromophenyl)ether

Delegations will find attached document D045427/04.

Encl.: D045427/04

ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, the following entry is added:

<p>“ 67. Bis(pentabromophenyl)ether (decabromodiphenyl ether; decaBDE)</p> <p>CAS No 1163-19-5 EC No 214-604-9</p>	<ol style="list-style-type: none"> 1. Shall not be manufactured or placed on the market as a substance on its own after <i>[date - 24 months after the entry into force of this Regulation]</i>. 2. Shall not be used in the production of, or placed on the market in: <ol style="list-style-type: none"> (a) another substance, as a constituent; (b) a mixture; (c) an article, or any part thereof, in a concentration equal to or greater than 0,1 % by weight, after <i>[date - 24 months after the entry into force of this Regulation]</i>. 3. Paragraphs 1 and 2 shall not apply to a substance, constituent of another substance or mixture that is to be used, or is used: <ol style="list-style-type: none"> (a) in the production of an aircraft before <i>[date – 10 years after entry into force of this Regulation]</i>, (b) in the production of spare parts for either of the following: <ol style="list-style-type: none"> (i) an aircraft produced before <i>[date – 10 years after entry into force of this Regulation]</i>, (ii) motor vehicles within the scope of Directive 2007/46/EC, agricultural and forestry vehicles within the scope of Regulation (EU) No 167/2013 of the European Parliament and of the Council(*) or machinery within the scope of Directive 2006/42/EC of the European Parliament and of the Council(**), produced before <i>(date - 24 months after the entry into force of this Regulation)</i>. 4. Sub-paragraph 2(c) shall not apply to any of the following: <ol style="list-style-type: none"> (a) articles placed on the market before <i>[date - 24 months after the entry into force of this Regulation]</i>; (b) aircraft produced in accordance with sub-paragraph 3(a); (c) spare parts of aircraft, vehicles or machines produced in accordance with
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	<p>sub-paragraph 3(b);</p> <p>(d) electrical and electronic equipment within the scope of Directive 2011/65/EU of the European Parliament and of the Council .</p> <p>5. For the purposes of this entry ‘aircraft’ means one of the following:</p> <p>(a) a civil aircraft produced in accordance with a type certificate issued under Regulation (EU) No 216/2008 of the European Parliament and of the Council (***) or with a design approval issued under the national regulations of a contracting State of the International Civil Aviation Organisation (ICAO), or for which a certificate of airworthiness has been issued by an ICAO contracting State under Annex 8 to the Convention on International Civil Aviation,</p> <p>(b) a military aircraft.”</p> <hr/> <p>(*) Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OL L 60, 2.3.2013, p. 1).</p> <p>(**) Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).</p> <p>(***) Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 079 19.3.2008, p. 1).</p>
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