



Council of the
European Union

Brussels, 4 April 2017
(OR. en)

7868/17

COMPET 232
ENV 319
CHIMIE 38
MI 309
ENT 91
SAN 133
CONSUM 124

COVER NOTE

From:	European Commission
date of receipt:	28 March 2017
To:	General Secretariat of the Council
No. Cion doc.:	D049962/02
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending [the Appendices to] 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 CMR substances

Delegations will find attached document D049962/02.

Encl.: D049962/02



Brussels, **XXX**
D049962/02
[...](2017) **XXX** draft

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

of **XXX**

amending [the Appendices to] 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 CMR substances

(Text with EEA relevance)

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

of **XXX**

amending [the Appendices to] 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 CMR substances

(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 or use for supply to the general public of substances that are classified as carcinogenic, mutagenic or reproductive toxicant (CMR), categories 1A or 1B, and of mixtures containing such substances in specified concentrations. The substances concerned are listed in Appendices 1 to 6 to that Annex.
- (2) Substances are classified as CMR in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council² and are listed in Part 3 of Annex VI to that Regulation.
- (3) Since Appendices 1 to 6 to Annex XVII to Regulation (EC) No 1907/2006 were last updated to reflect new classifications of substances as CMR under Regulation (EC) No 1272/2008, Part 3 of Annex VI to the latter has been amended by Commission Regulation (EU) No 605/2014³, Commission Regulation (EU) 2015/1221⁴ and Commission Regulation (EU) 2016/1179⁵.

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 (OJ L 353, 31.12.2008, p.1).

³ Commission Regulation (EU) No 605/2014 of 5 June 2014 amending, for the purposes of introducing hazard and precautionary statements in the Croatian language and 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 167, 6.6.2014, p.36).

- (4) As operators may apply the harmonised classifications set out in Part 3 of Annex VI to Regulation (EC) No 1272/2008 at an earlier date, they should be able to apply the provisions of this Regulation earlier, on a voluntary basis.
- (5) Regulation (EC) No 1907/2006 should be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 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.

Article 2

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

2. It shall apply from the date of entry into force, with the exception of

- paragraphs (1), (2) and (3) of the Annex, which shall apply on 1 March 2018, and

- paragraph (4)(a) of the Annex which shall apply on 1 March 2018 to the extent that it relates to the following substances:

bisphenol A; [phenol, dodecyl-, branched]; [phenol, 2-dodecyl-, branched]; [phenol, 3-dodecyl-, branched]; [phenol, 4-dodecyl-, branched]; [phenol, (tetrapropenyl) derivatives]; chlorophacinone (ISO); coumatetralyl (ISO); difenacoum (ISO); flocoumafen (ISO); disodium octaborate anhydrous; disodium octaborate tetrahydrate; bromadiolone (ISO); difethialone; [perfluorononan-1-oic acid, and its sodium and ammonium salts]; dicyclohexyl phthalate and triflumizole (ISO).

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

Done at Brussels,

For the Commission
The President
Jean-Claude Juncker

⁴ Commission Regulation (EU) 2015/1221 of 24 July 2015 amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, for the purposes of its adaptation to technical and scientific progress (OJ L 197, 25.7.2015, p.10)

⁵ Commission Regulation (EU) 2016/1179 of 19 July 2016 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 195, 29.7.2016, p.11).