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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	27 August 2015
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 409 final - Annex I
Subject:	ANNEX to the Council Regulation amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex I

Delegations will find attached document COM(2015) 409 final - Annex I.

Encl.: COM(2015) 409 final - Annex I



EUROPEAN
COMMISSION

Brussels, 27.8.2015
COM(2015) 409 final

ANNEX 1

ANNEX

to the

COUNCIL REGULATION

**amending Regulation (EC) No 850/2004 of the European Parliament and of the Council
on persistent organic pollutants as regards Annex I**

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amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex I

Annex I to Regulation (EC) No 850/2004 is amended as follows:

In Part A, the following entry is added:

Substance	CAS No	EC No	Specific Exemption on intermediate use or other specifications
Hexabromocyclododecane “Hexabromocyclododecane” means: hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha-hexabromocyclododecane; beta-hexabromocyclododecane; and gamma-hexabromocyclododecane	25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8	247-148-4, 221-695-9	<p>1. For the purposes of this entry, Article 4(1)(b) shall apply to concentrations of hexabromocyclododecane equal to or below 100 mg/kg (0,01 % by weight) when it occurs in substances, preparations, articles or as constituents of the flame-retarded parts of articles, subject to review by the Commission by [3 years after the date of entry into force of this Regulation].</p> <p>2. The use of hexabromocyclododecane, whether on its own or in preparations, in the production of expanded polystyrene articles, and the production and placing on the market of hexabromocyclododecane for such use, shall be allowed provided that such use has been authorised in accordance with Title VII of Regulation (EC) No 1907/2006, or is the subject of an application for authorisation submitted by 21 February 2014 where a decision on that application has yet to be taken.</p> <p>The placing on the market and use of hexabromocyclododecane, whether on its own or in preparations, in accordance with this paragraph shall only be allowed until</p>

			<p>26 November 2019 or, if earlier, the date of expiry of the review period specified in an authorisation decision or the date of withdrawal of that authorisation pursuant to Title VII of Regulation (EC) No 1907/2006.</p> <p>The placing on the market and use in buildings of expanded polystyrene articles, that contain hexabromocyclododecane as a constituent of such articles and are produced in accordance with the exemption in this paragraph, shall be allowed until 6 months after the date of expiry of that exemption. Such articles already in use by that date may continue to be used.</p> <p>3. Without prejudice to the exemption in paragraph 2, the placing on the market and use in buildings of expanded polystyrene articles and extruded polystyrene articles that contain hexabromocyclododecane as a constituent of such articles and are produced before or on [the date of entry into force of this Regulation] shall be allowed until [three months after the date of its entry into force]. Paragraph 6 shall apply as if such articles were produced pursuant to the exemption in paragraph 2.</p> <p>4. Articles that contain hexabromocyclododecane as a constituent of such articles and are already in use before or on [the date of entry into force of this Regulation] may continue to be used and further placed on the market and paragraph 6 shall not apply. Article 4(2), third and fourth subparagraphs shall apply to such articles.</p> <p>5. The placing on the market and use in buildings of imported expanded polystyrene articles that contain hexabromocyclododecane as a constituent of such articles shall be allowed until the date of expiry of the exemption in</p>
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			<p>paragraph 2 and paragraph 6 shall apply as if such articles were produced pursuant to the exemption in paragraph 2. Such articles already in use by that date may continue to be used.</p> <p>6. Without prejudice to the application of other Union provisions on the classification, packaging and labelling of substances and mixtures, expanded polystyrene, in which hexabromocyclododecane is used pursuant to the exemption in paragraph 2, must be identifiable by labelling or other means throughout its life cycle. '</p>
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