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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 8 May 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: D055248/04 ANNEX 1

Subject: ANNEX 1 to the 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 certain substances
classified as carcinogenic, mutagenic or toxic for reproduction (CMR),
category 1A or 1B

Delegations will find attached document D055248/04 ANNEX 1.

Encl.: D055248/04 ANNEX 1



Brussels, **XXX**
D055248/04
[...](2018) **XXX** draft

ANNEX 1

ANNEX

to the

**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 certain substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR), category 1A or 1B

ANNEX

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) the following entry is added:

<p>' [XX] <i>[To be completed with correct number before publication]</i></p> <p>The substances listed in column 1 of the Table in Appendix 12</p>	<p>1. Shall not be placed on the market after <i>[OP: please insert date – twenty-four months after the entry into force of this Regulation]</i> in any of the following:</p> <ul style="list-style-type: none">(a) clothing or related accessories,(b) textiles other than clothing which, under normal or reasonably foreseeable conditions of use, come into contact with human skin to an extent similar to clothing,(c) footwear, <p>if the clothing, related accessory, textile other than clothing or footwear is for use by consumers and the substance is present in a concentration, measured in homogeneous material, equal to or greater than that specified for that substance in Appendix 12.</p> <p>2. By way of derogation, in relation to the placing on the market of formaldehyde [CAS No 50-00-0] in jackets, coats or upholstery, the relevant concentration for the purposes of paragraph 1 shall be 300 mg/kg during the period between <i>[OP: please insert date – twenty-four months after the entry into force of this Regulation]</i> and <i>[OP: please insert date – sixty months after the entry into force of this Regulation]</i>. The concentration specified in Appendix 12 shall apply thereafter.</p> <p>3. Paragraph 1 shall not apply to:</p> <ul style="list-style-type: none">a) clothing, related accessories or footwear, or parts of clothing, related accessories or footwear, made exclusively of natural leather, fur or hide;b) non-textile fasteners and non-textile decorative attachments;c) second-hand clothing, related accessories, textiles other than clothing or footweard) wall-to-wall carpets and textile floor
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	<p>coverings for indoor use, rugs and runners.</p> <p>4. Paragraph 1 shall not apply to clothing, related accessories, textiles other than clothing, or footwear within the scope of Regulation (EU) 2016/425 of the European Parliament and of the Council(*) or Regulation (EU) 2017/745 of the European Parliament and of the Council(**).</p> <p>5. Paragraph 1(b) shall not apply to disposable textiles. 'Disposable textiles' means textiles that are designed to be used only once or for a limited time and are not intended for subsequent use for the same or a similar purpose.</p> <p>6. Paragraphs 1 and 2 shall apply without prejudice to the application of any stricter restrictions set out in this Annex or in other applicable Union legislation.</p> <p>7. The Commission shall review the exemption in paragraph 3(d) and, if appropriate, modify that point accordingly.</p> <hr/> <p>(*) Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51).</p> <p>(**) Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).'</p>
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(2) the following Appendix 12 is added:

'Appendix 12

Entry [XX][*To be completed with correct number before publication*] – restricted substances and maximum concentration limits by weight in homogeneous materials:

Substances	Index- No	CAS No	EC No	Concentration limit
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				by weight
Cadmium and its compounds (listed in Annex XVII, Entry 28, 29, 30, Appendices 1-6)	-	-	-	1 mg/kg after extraction (expressed as Cd metal that can be extracted from the material)
Chromium VI compounds (listed in Annex XVII, Entry 28, 29, 30, Appendices 1-6)	-	-	-	1 mg/kg after extraction (expressed as Cr VI that can be extracted from the material)
Arsenic compounds (listed in Annex XVII, Entry 28, 29, 30, Appendices 1-6)	-	-	-	1 mg/kg after extraction (expressed as As metal that can be extracted from the material)
Lead and its compounds (listed in Annex XVII, Entry 28, 29, 30, Appendices 1-6)	-	-	-	1 mg/kg after extraction (expressed as Pb metal that can be extracted from the material)
Benzene	601-020-00-8	71-43-2	200-753-7	5 mg/kg
Benz[<i>a</i>]anthracene	601-033-00-9	56-55-3	200-280-6	1 mg/kg
Benz[<i>e</i>]acephenanthrylene	601-034-00-4	205-99-2	205-911-9	1 mg/kg
benzo[<i>a</i>]pyrene; benzo[<i>def</i>]chrysene	601-032-00-3	50-32-8	200-028-5	1 mg/kg
Benzo[<i>e</i>]pyrene	601-049-00-6	192-97-2	205-892-7	1 mg/kg
Benzo[<i>j</i>]fluoranthene	601-035-00-X	205-82-3	205-910-3	1 mg/kg
Benzo[<i>k</i>]fluoranthene	601-036-00-5	207-08-9	205-916-6	1 mg/kg
Chrysene	601-048-00-0	218-01-9	205-923-4	1 mg/kg
Dibenz[<i>a,h</i>]anthracene	601-041-00-2	53-70-3	200-181-8	1 mg/kg
α , α , α , 4-tetrachlorotoluene; p-chlorobenzotrichloride	602-093-00-9	5216-25-1	226-009-1	1 mg/kg
α , α , α -trichlorotoluene; benzotrichloride	602-038-00-9	98-07-7	202-634-5	1 mg/kg
α -chlorotoluene; benzyl chloride	602-037-00-3	100-44-7	202-853-6	1 mg/kg
Formaldehyde	605-001-00-5	50-00-0	200-001-8	75 mg/kg
1,2-benzenedicarboxylic acid; di-C 6-8-branched alkylesters, C 7-rich	607-483-00-2	71888-89-6	276-158-1	1000 mg/kg (individually or in combination with other phthalates in this entry or in other entries of Annex XVII that are classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in any of the hazard classes carcinogenicity, germ cell mutagenicity or reproductive

				toxicity, category 1A or 1B
Bis(2-methoxyethyl) phthalate	607-228-00-5	117-82-8	204-212-6	1000 mg/kg (individually or in combination with other phthalates in this entry or in other entries of Annex XVII that are classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in any of the hazard classes carcinogenicity, germ cell mutagenicity or reproductive toxicity, category 1A or 1B
Diisopentylphthalate	607-426-00-1	605-50-5	210-088-4	1000 mg/kg (individually or in combination with other phthalates in this entry or in other entries of Annex XVII that are classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in any of the hazard classes carcinogenicity, germ cell mutagenicity or reproductive toxicity, category 1A or 1B
Di- <i>n</i> -pentyl phthalate (DPP)	607-426-00-1	131-18-0	205-017-9	1000 mg/kg (individually or in combination with other phthalates in this entry or in other entries of Annex XVII that are classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in any of the hazard classes carcinogenicity, germ cell mutagenicity or reproductive toxicity, category 1A or 1B
Di- <i>n</i> -hexyl phthalate (DnHP)	607-702-00-1	84-75-3	201-559-5	1000 mg/kg

				(individually or in combination with other phthalates in this entry or in other entries of Annex XVII that are classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in any of the hazard classes carcinogenicity, germ cell mutagenicity or reproductive toxicity, category 1A or 1B)
<i>N</i> -methyl-2-pyrrolidone; 1-methyl-2-pyrrolidone (NMP)	606-021-00-7	872-50-4	212-828-1	3000 mg/kg
<i>N,N</i> -dimethylacetamide (DMAC)	616-011-00-4	127-19-5	204-826-4	3000 mg/kg
<i>N,N</i> -dimethylformamide; dimethyl formamide (DMF)	616-001-00-X	68-12-2	200-679-5	3000 mg/kg
1,4,5,8-tetraaminoanthraquinone; C.I. Disperse Blue 1	611-032-00-5	2475-45-8	219-603-7	50 mg/kg
Benzenamine, 4,4'-(4-aminocyclohexa-2,5-dienylidene)methylene)dianiline hydrochloride; C.I. Basic Red 9	611-031-00-X	569-61-9	209-321-2	50 mg/kg
[4-[4,4'-bis(dimethylamino)benzhydrylidene]cyclohexa-2,5-dien-1-ylidene]dimethylammonium chloride; C.I. Basic Violet 3 with ≥ 0,1 % of Michler's ketone (EC no. 202-027-5)	612-205-00-8	548-62-9	208-953-6	50 mg/kg
4-chloro- <i>o</i> -toluidinium chloride	612-196-00-0	3165-93-3	221-627-8	30 mg/kg
2-Naphthylammoniumacetate	612-071-00-0	553-00-4	209-030-0	30 mg/kg
4-methoxy- <i>m</i> -phenylene diammonium sulphate; 2,4-diaminoanisole sulphate	612-200-00-0	39156-41-7	254-323-9	30 mg/kg
2,4,5-trimethylaniline hydrochloride	612-197-00-6	21436-97-5	-	30 mg/kg
Quinoline	613-281-00-5	91-22-5	202-051-6	50 mg/kg '