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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject: ANNEX to the COMMISSION REGULATION (EU) No .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards lead and its compounds in PVC

Delegations will find attached document [...] (2022) XXX draft - D 082090/4 ANNEX.

Encl.: [...] (2022) XXX draft - D 082090/4 ANNEX



Brussels, **XXX**
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ANNEX

ANNEX

to the

COMMISSION REGULATION (EU) No .../... of XXX

**amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament
and of the Council as regards lead and its compounds in PVC**

ANNEX

In entry 63, column 2, of Annex XVII to Regulation (EC) No 1907/2006, the following paragraphs are added:

	<p>“15. Shall not be placed on the market or used in articles produced from polymers or copolymers of vinyl chloride (‘PVC’), if the concentration of lead is equal to or greater than 0,1 % by weight of the PVC material.</p> <p>16. Paragraph 15 shall apply with effect from [<i>OP, please insert the date corresponding to 18 months + 1 day after the entry into force of this Regulation</i>].</p> <p>17. By way of derogation, paragraph 15 shall not apply to PVC articles containing recovered flexible PVC until [<i>OP, please insert the date corresponding to 2 years after the entry into force of this Regulation</i>].</p> <p>18. By way of derogation, paragraph 15 shall not apply to the following PVC articles containing recovered rigid PVC until [<i>OP, please insert the date corresponding to 10 years after the entry into force of this Regulation</i>], if the concentration of lead is lower than 1,5 % by weight of the recovered rigid PVC:</p> <ul style="list-style-type: none">(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 PVC or other material for which the concentration of lead is lower than 0,1 % by weight;(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 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 PVC or other material for which the concentration of lead is lower than 0,1 % by weight;(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 PVC or other material for which the concentration of lead is lower than 0,1 % by weight;(f) fittings, excluding fittings for pipes for drinking water. <p>From [<i>OP, please insert the date corresponding to 36 months after the entry into force of this Regulation</i>], 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.</p>
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Suppliers of PVC articles containing recovered rigid PVC with a concentration of lead equal to or greater than 0,1 % by weight of the PVC material shall ensure, before placing those articles on the market, that they are visibly, legibly and indelibly marked with the statement: “Contains \geq 0,1 % 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, paragraph 15 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;
 - (iii) Directive 94/62/EC;
 - (iv) Directive 2009/48/EC.

20. By way of derogation, paragraph 15 shall not apply to PVC articles placed on the market until [OP, please insert a date corresponding to 18 months after the entry into force of this Regulation].“