

Council of the European Union

> Brussels, 9 December 2022 (OR. en)

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COVER NOTE

Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
8 December 2022
Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
[](2022) XXX draft - D 082090/4 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

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

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





EUROPEAN COMMISSION

> Brussels, XXX D082090/04 [...](2022) XXX draft

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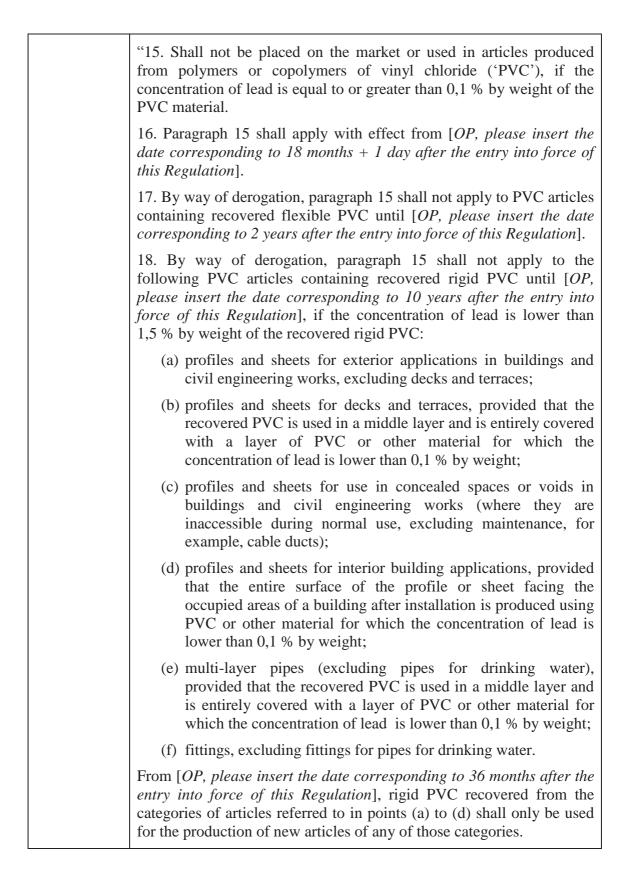
to the

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:



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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 [<i>OP</i> , 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 [<i>OP</i>, 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 [<i>OP</i> , please insert a date corresponding to 18 months after the entry into force of this Regulation]."

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