



EUROPEAN COMMISSION

ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Directorate G - Chemicals, metals, mechanical, electrical and construction industries; Raw materials

ENTR. G.1 - Chemicals – REACH

ENVIRONMENT DIRECTORATE-GENERAL

Directorate D - Water, Marine Environment & Chemicals

ENV. D.3 - Chemicals, Biocides & Nanomaterials

Brussels,

ENTR/G1/AGR/al/Ares (2011)

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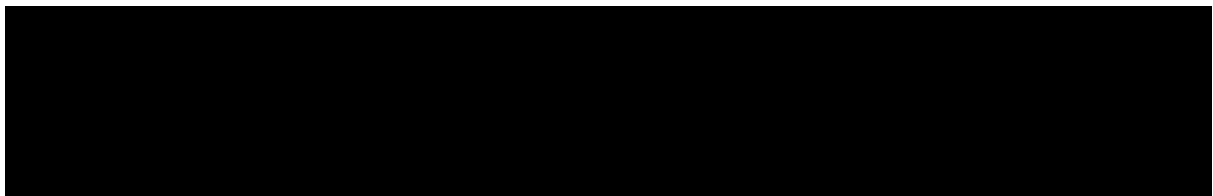
Subject: Cadmium - Regulation (EU) No 494/2011 amending the REACH Regulation (EC) No 1907/2006 as regards Annex XVII – request to ECHA concerning safety applications, copper based paints containing traces of cadmium and spectacle frames

Regulation (EU) No 494/2011 amending the restriction on cadmium and cadmium compounds in Annex XVII (entry 23) of Regulation (EC) No 1907/2006 (REACH) was published in the Official Journal on 21 May 2011. The Regulation was discussed and voted during the REACH Committee meeting held on 25 November 2010.

During this meeting, the removal of the derogation concerning cadmium and its compounds used to give colour to articles for safety reason was discussed¹. Given the lack of supportive information concerning technical and socio-economic aspects of the derogation, it was decided not to delete it from the Regulation. However, it was agreed that further investigation was necessary in order to collect appropriate data on the basis of which a decision to remove, maintain or amend this derogation, would be taken.

We therefore request ECHA to investigate what are these safety applications in which mixtures containing cadmium would be used, whether or not they are still relevant and what would be their socio-economic value. Would they still be applicable, the Commission requests ECHA to prepare e.g. a guideline or a clarification document which would describe the cases in which this derogation could be applied, in order to clarify the provision and help enforcement authorities.

¹ paragraph 3 of entry 23 of Annex XVII of REACH, as amended by Regulation (EU) 494/2011 "... shall not apply to articles coloured with mixtures containing cadmium for safety reasons"



Furthermore, the original Commission proposal for the amending Regulation contained a provision dealing with the placing on the market of paints (proposed: "*Paints [3208] [3209] shall not be placed on the market if the concentration in cadmium (expressed as Cd metal) is greater than 0,01 % by weight.*"). However, based on late comments received from the industry (attached), this new provision would have impacted recycled copper-based paints used in antifouling applications that could contain traces of cadmium above that threshold. A limit of 0.0175% was proposed by the industry. Due to the late and limited information on technical and socio-economic aspects available on the day of the REACH Committee meeting, it was decided not to include the proposed addition.

The Commission therefore requests ECHA to investigate the issue of cadmium in recycled copper-based paints in order to collect more technical and socio-economic information with the view to give advice to the Commission on whether a specific provision in entry 23 of Annex XVII would be needed and, if appropriate, to propose a limit value. Based on this advice, the Commission will decide on the appropriate next steps to follow.

Finally, on 25 July 2011, the Commission was informed by the Helpdesk Unit of ECHA, that there may be a risk from cadmium contained in spectacle frames, which are currently not included in paragraph 10 on jewellery articles and hair accessories of the amended restriction on cadmium.

The Commission therefore requests ECHA to investigate the issue of cadmium in spectacle frames in order to collect more technical and socio-economic information with the view to give advice to the Commission on whether these articles should be included in the restriction.

Yours sincerely,

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Enclosures: statement from the industry dated 22 Oct 2010 and 12 Nov 2010