

Response to comments document (RCOM)
on the Annex XV dossier
proposing restrictions on
Cadmium and its compounds (in Paints)

Responses by subject
Non-confidential

ECHA/RAC/RES-O-000005619-64-01/F

ECHA/SEAC/[reference code to be added after the adoption of the SEAC opinion]

Substance name	EC number	CAS number
Cadmium and its compounds (in Paints)	231-152-8, -	7440-43-9, -

16 September 2014

Substance:
Cadmium
and its compounds (in Paints)
EC number: 231-152-8, -
CAS number: 7440-43-9, -

Comments and response to comments on Annex XV restriction report on
Cadmium and its compounds (in Paints)
Annex XV report submitted by **ECHA** on **17 October 2013**
Public consultation on Annex XV report started on **17 December 2013**

General Comments

Ref.	Date/type/Org./ Related to section	Comments
309	Date: 2013/12/24 15:06	Comment: WE DO NOT USE THIS SUBSTANCE IN OUR PROCESSES
	Type: BehalfOfAnOrganisation	Dossier submitter response: Dossier Submitter thank you for the comment.
	Org. type: Company	RAC Rapporteurs comments: Thank you for the comment, which shows that alternatives are on the market.
	Org. name: Petkim Petrokimya A.S. Org. country: Turkey Company name confidential: No	SEAC Rapporteurs comments: Although not clear which substance is meant (Cd or anti-fouling paint) the comment suggests that proposed restriction does not cause problems for industry.
317	Date: 2014/02/21 13:17	Comment: Sweden supports the proposal to include the placing on the market and a limit value of 0,01% cadmium by weight. Based on this proposal, the same limit value is proposed in the Restriction dossier on cadmium in artists Paints.
	Type: MemberState	Dossier submitter response: Dossier Submitter thanks you for the supportive comment.
	MS name: Sweden Company name confidential: No	RAC Rapporteurs comments: Thank you for the comment.

* (A) The proposal; (B) Information on hazard and risk; (C) Available information on alternatives; (D) Justification for action on a Community-wide basis; (E) Why a restriction is the most appropriate Community-wide measure; (F) Socio-economic Assessment of Proposed Restriction; (G) Stakeholder consultation; (H) Other information

		<p>SEAC Rapporteurs comments: Thank you for the comment.</p>
319	<p>Date: 2014/02/26 09:10</p> <p>Type: MemberState</p> <p>MS name: Norway</p> <p>Company name confidential: No</p>	<p>Comment: Norway supports the proposed extension of the restriction on cadmium in paint. We agree that the proposal will improve the enforceability of the restriction and that the restriction should cover the placing on the market of paints which contain cadmium as an impurity or are imported. It is not proposed that the current restriction on the cadmium content of painted articles should be revised. Our understanding is that this means that the paint on imported articles still can contain 0.1 % cadmium, and not 0.01 %, as for the paint on painted articles produced within the EU. The reasoning for this should be explained.</p>
		<p>Dossier submitter response: Dossier Submitter thank you for the supportive comment. The report proposes 0.01% by weight limit value for the cadmium in paints. The current restriction on painted articles is not proposed to be revised. The limit value for cadmium is 0.1% by weight of the paint on the painted article, and Dossier Submitter has a view, that a higher limit value is understandable as the cadmium content in (dry) paint on a painted article can be greater than in paints on the market as the amount of solvent is less in case of dry paint.</p>
		<p>RAC Rapporteurs comments: We thank the DS for the explanation that seems well justified.</p>
		<p>SEAC Rapporteurs comments: Different value for dry paint is well explained.</p>
370	<p>Date: 2014/03/20 15:29</p> <p>Type: MemberState</p> <p>MS name: Germany</p> <p>Company name confidential: No</p>	<p>Comment: The German CA supports the proposed restriction.</p>
		<p>Dossier submitter response: Dossier Submitter thank you for the supportive comment.</p>
		<p>RAC Rapporteurs comments: Thank you for the comment.</p>

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		SEAC Rapporteurs comments: Thank you for the comment
375	Date: 2014/04/29 18:10	Comment: Please allow cadmium in paint to be allowed as an artist it is an essential part of my trade
	Type: Individual	Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.
	Company name confidential: No	RAC Rapporteurs comments: NA
		SEAC Rapporteurs comments: NA
435	Date: 2014/05/07 17:57	Comment: Please do not ban cadmium pigments in paints. There is no substitute for the colours they provide in painting. I am an artist.
	Type: Individual	Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.
	Related to: The proposal (A)	RAC Rapporteurs comments: NA
	Company name confidential: No	SEAC Rapporteurs comments: NA
484	Date: 2014/05/07 19:31	Comment: As a practising Artist, I know from experience that there is no fully satisfactory substitute for Cadmium compounds in high quality Artists paint. Please to not treat us like babies and make these paints unavailable.
	Type: Individual	Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.
	Company name confidential: No	RAC Rapporteurs comments: NA

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		SEAC Rapporteurs comments: NA
507	Date: 2014/05/07 20:41 Type: Individual Related to: The proposal (A) Company name confidential: No	Comment: As a professional artist and oil painter, I consider cadmium based colours essential to my practice. All residue paint is wiped off palette and brushes with oily rag and newspaper. Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided. RAC Rapporteurs comments: NA SEAC Rapporteurs comments: NA
510	Date: 2014/05/07 20:55 Type: Individual Related to: The proposal (A), Justification for action on a Community-wide basis (D) Company name confidential: No	Comment: What are EU trying to achieve by banning a much used pigment used for a great number of years? More red tape to give someone a job! Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided. RAC Rapporteurs comments: NA SEAC Rapporteurs comments: NA
533	Date: 2014/05/07 21:49	Comment: Cadmium is essential to give the pure brightness needed in all paints.

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	<p>Type: Individual</p> <p>Related to: The proposal (A), Available information on alternatives (C), Justification for action on a Community-wide basis (D), Stakeholder consultation (G)</p> <p>Company name confidential: No</p> <p>Privacy comment: A restriction/ban would affect my occupation</p>	<p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p> <p>SEAC Rapporteurs comments: NA</p>
546	<p>Date: 2014/05/07 22:52</p> <p>Type: Individual</p> <p>Related to: Available information on alternatives (C)</p> <p>Company name confidential: No</p>	<p>Comment: As a painter and art tutor of watercolours; Acrylics & water-mixable oils - Cadmium Yellow Hue and Cadmium Red Hue have formed a major part of my palette for many years and I would find them hard to replace. I use them to mix many other colours and to teach colour theory, as part of a six-colour (primary colour) palette. I would say that wasted paint is minimal. I re-use watercolours and oils left on the palette. Unused Acrylics dry to a hard plastic finish on the palette so presumably cannot leach out when thrown away.</p> <p>Specific comment: I hope that if a restriction is deemed necessary a suitable alternative can be found for artists.</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p>

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		SEAC Rapporteurs comments: NA
559	Date: 2014/05/08 00:20 Type: Individual Company name confidential: No	Comment: Banning the Cadmiums would be a disaster for artists. There currently exist no replacement for Cadmium yellow and red, both of which are very pure and opaque colors. All other pure yellows are either transparent or semi-transparent colors. No other red comes close to Cadmium red in terms of opacity. This may seem like a moot point for a layman, but for us artists it is an extremely valuable pigment, the loss of which would be like losing a limb. It would greatly affect our artwork, possibly our career. I sincerely urge you to drop the restriction.
		Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.
		RAC Rapporteurs comments: NA
		SEAC Rapporteurs comments: NA
567	Date: 2014/05/08 01:08 Type: Individual Company name confidential: No	Comment: I am a professional oil painter and I find the cadmiums essential in my painting process as they are unparalleled in brilliance and opacity. I would gladly replace them with another colour as they are very expensive, but no others will do the same job. As an artist who uses lead in my paint I am aware of the toxic concerns with some pigments. I no longer wash out my brushes in water but use spirits and keep the sludge which I can dispose of once a year appropriately. The empty tubes have been squeezed out using a tube wringer (this paint is expensive so artist tend to use it all up) so practically no paint is left. I would think if there are still concerns about artists cadmiums, they could be supplied with mandatory information regarding disposal, or supplied only to professionals just as lead artists oils are. Alternatively suppliers could be required to take returns on empty tubes.
		Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.

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		<p>RAC Rapporteurs comments:</p> <p>NA</p> <p>SEAC Rapporteurs comments:</p> <p>NA</p>
595	<p>Date: 2014/05/08 11:07</p> <p>Type: Individual</p> <p>Related to: The proposal (A)</p> <p>Company name confidential: No</p>	<p>Specific comment:</p> <p>I fully support the need to restrict the use of some chemicals. However cadmium artist quality oil paints exhibit properties regards hue, tinting, undertone, mixing strength, range, density that are not replicated by other pigment. The use of cadmium based oil paints by artist - with suitable warnings, should be allowed.</p> <p>Dossier submitter response:</p> <p>The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments:</p> <p>NA</p> <p>SEAC Rapporteurs comments:</p> <p>NA</p>
623	<p>Date: 2014/05/08 14:41</p> <p>Type: Individual</p> <p>Related to: The proposal (A), Information on hazard and risk (B), Justification for action on a Community-wide basis (D), Why a restriction is the most appropriate Community-wide measure (E), Socio-economic Assessment</p>	<p>Comment:</p> <p>The environmental issue is minor compared to numerous other things which are permitted. What kind of European art heritage would we have without the colours of Turner, Van Gogh, Monet, Matisse... What will painters do? Can you imagine if writers were not allowed to use certain significant letters of the alphabet?</p> <p>Dossier submitter response:</p> <p>The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments:</p> <p>NA</p> <p>SEAC Rapporteurs comments:</p> <p>NA</p>

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	of Proposed Restriction (F), Stakeholder consultation (G) Company name confidential: No	
635	Date: 2014/05/08 16:05 Type: Individual Company name confidential: No	Comment: Banning of cadmium in artist's paints would be quite a devastating blow. Purity of colour and richness of pigment is a vital part of our palette. British painters were once described as 'painting with mud', and I fear that this cadmium ban, without a satisfactory substitute, might prove the statement.
		Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.
		RAC Rapporteurs comments: NA
		SEAC Rapporteurs comments: NA
636	Date: 2014/05/08 16:21 Type: Individual Related to: Information on hazard and risk (B), Available information on alternatives (C), Why a restriction is the most appropriate Community-wide	Comment: I am fully aware of the hazards and risks of using cadmium based oil paint. I feel as a consumer and professional fine artist it is my choice to use such colours in my paintings and therefore use appropriate health and safety measures whilst using these irreplaceable colours. Perhaps bigger warning signs could be attached to the products. Thanks for listening.
		Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.
		RAC Rapporteurs comments: NA

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	<p>measure (E)</p> <p>Company name confidential: No</p>	<p>SEAC Rapporteurs comments: NA</p>
641	<p>Date: 2014/05/08 16:58</p> <p>Type: Individual</p> <p>Related to: The proposal (A), Justification for action on a Community-wide basis (D), Stakeholder consultation (G)</p> <p>Company name confidential: No</p>	<p>Comment: I write as an individual, an amateur water colour artist, and am very concerned that a general restriction on the use of cadmium will be unwarranted in the case of painters like myself. I have been using this wonderful and irreplaceable colour for many years. It is available in pans or tubes and can be easily used down to the last drop when mixed with water. It is too expensive to waste and therefore unlikely to contaminate any water sources or drains. Please do not ban this important colour from artists who only use very small and dilute particles, unlikely to harm.</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p> <p>SEAC Rapporteurs comments: NA</p>
646	<p>Date: 2014/05/08 17:36</p> <p>Type: Individual</p> <p>Related to: Socio-economic Assessment of Proposed Restriction (F)</p> <p>Company name confidential: No</p>	<p>Comment: Banning cadmium across the board, in a decision that lumps battery manufacturers and artists together, would be an example of the worst possible regulation, for which the European Union is already well known, world-wide. It would be a simple matter to exempt some areas of manufacturing while regulating others. It merely takes a little imagination and effort.</p> <p>Specific comment: The right decision is to exempt cadmium use in artists paint. The wrong decision - a blanket ban - will do immeasurable harm to the artistic community in Europe and to considerable economic value of European art.</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p>

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		<p>RAC Rapporteurs comments: NA</p>
		<p>SEAC Rapporteurs comments: NA</p>
705	<p>Date: 2014/05/10 17:07</p> <p>Type: Individual</p> <p>Related to: The proposal (A), Information on hazard and risk (B), Justification for action on a Community-wide basis (D), Why a restriction is the most appropriate Community-wide measure (E), Socio-economic Assessment of Proposed Restriction (F), Stakeholder consultation (G)</p> <p>Company name confidential: No</p>	<p>Comment: It is entirely unnecessary to ban artists Cadmium paints. These paints have been used safely for 200 years, and there are no substitutes that would provide the permanence and brightness of these colours. You would be seriously affecting the livelihoods of artists and picture restorers. You have already banned the sale of traditional artists` lead-white paint. Another example of taking a sledge hammer to crack a nut.</p>
		<p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p>
		<p>RAC Rapporteurs comments: NA</p>
		<p>SEAC Rapporteurs comments: NA</p>
706	<p>Date: 2014/05/10 18:43</p> <p>Type: Individual</p>	<p>Comment: I am an artist (painter) using cadmium based pigments in oil, acrylic and watercolour paints. These pigments, with their unmatched colour qualities and intensity, have been fundamental to the production of visual art for about two centuries; as such they are an integral part of cultural production at the highest level in Western civilisation: this is unexaggerated and indisputable fact, not hyperbole. But as</p>

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	<p>Related to: The proposal (A)</p> <p>Company name confidential: No</p>	<p>their dangers need to be faced, it should also be accepted that this is far from being industrial-level pollution.</p> <p>My suggestion is that individual artists be reminded or made fully aware of their responsibilities with respect to this dangerous substance and made subject to legally-binding controls/restrictions on their usage and disposal, so as to avoid any environmental risk, such as is done with lead-based (white) pigments. In this way it will be possible to avoid damage at this level both to the environment and to serious artistic production.</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p> <p>SEAC Rapporteurs comments: NA</p>
<p>754</p>	<p>Date: 2014/05/15 16:10</p> <p>Type: Individual</p> <p>MS name:</p> <p>Org. type:</p> <p>Org. name:</p> <p>Org. country:</p> <p>Related to: The proposal (A)</p> <p>Company name confidential: No</p> <p>Attachment</p>	<p>Comment: I think cadmium used for oil paint for artists should be exempt from any restriction of use. It is such a small amount and I am sure with information included with the sale of such colors artists would dispose of remains as directed</p> <p>Specific comment:</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p> <p>SEAC Rapporteurs comments: NA</p>

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	confidential: No Privacy comment:	
759	Date: 2014/05/15 19:39 Type: Individual MS name: Org. type: Org. name: Org. country: Related to: The proposal (A) Company name confidential: No Attachment confidential: No Privacy comment:	Comment: I think that as an artist it is my responsibility to dispose of my paint in a responsible manner. I only put small amounts of paint on my palette. If there are any small amounts of waste, they are scraped onto newspaper and disposed of in rubbish. I encourage my students to do likewise. I consider that an artist's use of cadmium is very minimal compared with what is used in industry. It would be wrong to ban cadmium. Instead, good practice should be widely circulated and included with every cadmium product sold like with drugs such as Paracetamol. Specific comment: Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided. RAC Rapporteurs comments: NA SEAC Rapporteurs comments: NA
766	Date: 2014/05/15 21:34 Type: Individual MS name:	Comment: Specific comment: It is a matter of educating the artist that use the cadmium colours, to use them safely and with respect of their environment, especially when cleaning brushes. Some suggestions made on this matter of cleaning the brushes (i.e. the cat litter use) were excellent.

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	<p>Org. type:</p> <p>Org. name:</p> <p>Org. country:</p> <p>Related to: Information on hazard and risk (B)</p> <p>Company name confidential: No</p> <p>Attachment confidential: No</p> <p>Privacy comment:</p>	<p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p> <p>SEAC Rapporteurs comments: NA</p>
776	<p>Date: 2014/05/16 07:36</p> <p>Type: Individual</p> <p>MS name:</p> <p>Org. type:</p> <p>Org. name:</p> <p>Org. country:</p>	<p>Comment: As an artist I would prefer the paint not be restricted to FINE Artists. As long as artists are required to dispose of the pigment properly.</p> <p>Specific comment:</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p>

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	Related to: Company name confidential: No Attachment confidential: No Privacy comment:	SEAC Rapporteurs comments: NA
777	Date: 2014/05/16 10:29 Type: Individual MS name: Org. type: Org. name: Org. country: Related to: The proposal (A) Company name confidential: No Attachment confidential: No Privacy comment:	Comment: I have been an artist since the 1960's and have obviously used paints containing cadmium for all of that time. In the 60's and 70's I have to say that I and most of the painters that I knew were careless in both the use of and disposal of many materials which are now known to be harmful, not only to the environment, but to ourselves. Much of this carelessness was as a result of ignorance and as more and more information became available most artists became very aware of routines which were much more protective of both the environment and themselves. I paint in this country (UK) and regularly in the USA and in my experience the artists that I meet are very attentive to safety in both usage and disposal of art materials. I paint in oils and dispose of waste materials in solid form by pouring oil paint waste into a bucket containing cat litter and then regularly dispose of this solid material at the local waste disposal dump. I believe that they include it in other waste oil materials. I recognise the danger of cadmium but think that there is a danger of making an all inclusive blanket decision on the subject. Barry Williamson Specific comment: Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided. RAC Rapporteurs comments: NA SEAC Rapporteurs comments: NA

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<p>779</p>	<p>Date: 2014/05/16 12:20</p> <p>Type: Individual</p> <p>MS name:</p> <p>Org. type:</p> <p>Org. name:</p> <p>Org. country:</p> <p>Related to: The proposal (A), Information on hazard and risk (B), Justification for action on a Community-wide basis (D), Why a restriction is the most appropriate Community-wide measure (E)</p> <p>Company name confidential: No</p> <p>Attachment confidential: No</p> <p>Privacy comment:</p>	<p>Comment: The cadmium range of Pigments for the use of professional and amateur artists is a vital part of our pallet. They have not caused artists to suffer from their use, indeed I have been using them for 30 years with no ill effects. To remove them will cause us to move to other chemical paints which will not be of the same property and could be more dangerous as these have not had the same length of service and possibly not the same life span as a much loved and respected pigment. I object most strongly to their removal from sale.</p> <p>Specific comment:</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p> <p>SEAC Rapporteurs comments: NA</p>
<p>781</p>	<p>Date: 2014/05/16 18:01</p>	<p>Comment: I believe Cadmium and its compounds in paints is far too toxic to be used and should be banned.</p>

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	<p>Type: Individual</p> <p>MS name:</p> <p>Org. type:</p> <p>Org. name:</p> <p>Org. country:</p> <p>Related to:</p> <p>Company name confidential: No</p> <p>Attachment confidential: No</p> <p>Privacy comment:</p>	<p>Specific comment:</p> <p>Dossier submitter response:</p> <p>Dossier submitter thank you for the supporting comment.</p> <p>RAC Rapporteurs comments:</p> <p>Thank you for the comment.</p> <p>SEAC Rapporteurs comments:</p> <p>Thank you for the comment</p>
796	<p>Date: 2014/05/19 15:28</p> <p>Type: Individual</p> <p>Related to: Other information (H)</p> <p>Company name confidential: No</p>	<p>Comment:</p> <p>I find that cadmium in oil paints do tend to leave not only a better colour but they are of better quality and do not fade as quickly as other more modern paints. Cadmium paints have been around for generations but I think that there should be guidelines for the disposal of tubes, pots etc. In addition, because these are oil paints I tend to wash the brushes in white spirit, I often leave them soaking. After this I will dry them totally before washing them in water and soap. The white spirit then is placed in a container to go to the correct area of the déchétarié or rubbish tip in France, this is then disposed of in the correct manner. However, as a concerned environmentalist, I would like to hear of suggested alternative for this procedure. I do not feel that this should be banned but I do feel there should be correct procedures and penalties for those that don't carry them out!</p> <p>Dossier submitter response:</p> <p>The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p>

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		RAC Rapporteurs comments: NA
		SEAC Rapporteurs comments: NA
803	<p>Date: 2014/05/20 12:36</p> <p>Type: Individual</p> <p>Related to: The proposal (A), Why a restriction is the most appropriate Community-wide measure (E)</p> <p>Company name confidential: No</p> <p>Privacy comment: Es ist falsch, Cadmium in Malfarben zu verbieten, die Menge welche angewendet wird ist minimal und nicht relevant. Diese Farben sind künstlerisch wertvoll und können nicht ersetzt werden. Bitte nicht verbieten.</p>	<p>Comment: Es ist falsch, Cadmium in Malfarben zu verbieten, die Menge welche angewendet wird ist minimal und nicht relevant. Diese Farben sind künstlerisch wertvoll und können nicht ersetzt werden. Bitte nicht verbieten.</p> <p>Specific comment: Es ist falsch, Cadmium in Malfarben zu verbieten, die Menge welche angewendet wird ist minimal und nicht relevant. Diese Farben sind künstlerisch wertvoll und können nicht ersetzt werden. Bitte nicht verbieten.</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p> <p>SEAC Rapporteurs comments: NA</p>
807	<p>Date: 2014/05/20 13:10</p>	<p>Comment: The use of Cadmium in artists paints is very important to the art world and should NOT be restricted.</p>

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	<p>Type: Individual</p> <p>Related to: The proposal (A)</p> <p>Company name confidential: No</p>	<p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments:</p> <p>NA</p> <p>SEAC Rapporteurs comments: NA</p>
851	<p>Date: 2014/05/25 13:52</p> <p>Type: Individual</p> <p>Related to: The proposal (A), Information on hazard and risk (B), Available information on alternatives (C)</p> <p>Company name confidential: No</p>	<p>Comment: This ban would effect artists' paints where no suitable substitute exists. The amount used in artists' paints is infinitesimal and a ban is out of all proportion to the risks.</p> <p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p> <p>RAC Rapporteurs comments: NA</p> <p>SEAC Rapporteurs comments: NA</p>
892	<p>Date: 2014/06/05 09:00</p> <p>Type: Individual</p> <p>Company name confidential: No</p>	<p>Comment: Whilst cadmium in artists' paints has no equal, and is in small use, the cadmium in other paints is not essential, and could be diminished or eliminated.</p> <p>Dossier submitter response: Dossier submitter thank you for your supportive comment.</p> <p>RAC Rapporteurs comments: -</p>

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		<p>SEAC Rapporteurs comments: Thank you for the comment</p>
896	<p>Date: 2014/06/07 01:23</p> <p>Type: Individual</p> <p>Company name confidential: No</p>	<p>Comment: If the cadmuims are banned in artist Oil pains. I expect most fine art painters will buy from None EU-US sources...result no gain for more crippling needless regulatory restrictions.</p>
		<p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p>
		<p>RAC Rapporteurs comments: NA</p>
		<p>SEAC Rapporteurs comments: NA</p>
905	<p>Date: 2014/06/12 20:45</p> <p>Type: Individual</p> <p>Related to: Information on hazard and risk (B)</p> <p>Company name confidential: No</p>	<p>Comment: Cadmium hues are such an important and integral part of my painting pallet that it would be very difficult to work without them. As an amateur artist I am very frugal with the use of paint and don't throw away or waste any substances. Therefore hardly any paint gets thrown down the drain. Also the water I use in water color is tipped away where it will do no harm.</p>
		<p>Dossier submitter response: The comment appears to be intended to another dossier (Cadmium and its compounds (in Artist paints)). Not applicable here. No response provided.</p>
		<p>RAC Rapporteurs comments: NA</p>
		<p>SEAC Rapporteurs comments: NA</p>
910	<p>Date: 2014/06/16 09:54</p> <p>Type: BehalfOfAnOrganisatio n</p>	<p>Comment:</p> <p>Specific comment: Anne XV Dossier: page 1, para 3 Based on information and data submitted by industry, it is apparent that concentrations of cadmium in paints in the EU, including copper-based anti-fouling paints, are currently (and also expected to be in</p>

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	<p>Org. type: National Authority</p> <p>Org. name: Allgemeine Unfallversicherungsanstalt</p> <p>Org. country: Austria</p> <p>Related to: The proposal (A)</p> <p>Company name confidential: No</p>	<p>the future) well below the proposed concentration limit of 0.01%. Anne XV Dossier: page 10, Tab 2 Implied approximate mean 0.00025% Implied approximate maximum 0.001% Obviously as cited in the Annex XV dossier the Cadmium concentration in paints is "well below" the proposed limit concentration with an "implied approximation maximum 0,001%". Thus we recommend concentration lower than 0,01% of Cadmium required by Annex XVII. Paints on the market already fulfil a limit 10 times lower.</p> <p>Dossier submitter response: Thank you for your comment. The exact proposed limit value is partly chosen to be the same as elsewhere in the entry and in order to ensure and support efficient enforcement.</p> <p>RAC Rapporteurs comments: We thank the DS for the explanation that seems well justified</p> <p>SEAC Rapporteurs comments: Thank you for the comment</p>
<p>911</p>	<p>Date: 2014/06/16 12:53</p> <p>Type: BehalfOfAnOrganisation</p> <p>Org. type: Industry or trade association</p> <p>Org. name: EUROM1</p> <p>Org. country: Belgium</p> <p>Company name</p>	<p>Comment: Foreword: EUROM 1 Regulatory matters for frame agree to define a limit value since a reduction in ambiguity is a benefit. Discussion 1. The ECHA investigation, CADMIUM IN SPECTACLE FRAMES, published on 9 November, 2012 [1], focused on any potential existence of cadmium or its compounds in plastic and/or in the metal part of spectacle frames, which are not currently restricted under the REACH provisions. The Report lead to the conclusion that there is neither intentional use nor identified presence of cadmium in spectacle frames, either in plating, colouring or brazing/soldering materials. In sum, the stakeholder consultation and literature review did not demonstrate that there would be a risk related to cadmium in the metal parts of frames, as the (limited) evidence available indicates that cadmium is not present in these parts of spectacle frames. Furthermore, the preparation and opinion making of a restriction proposal would in itself create an administrative cost that would seem to be disproportionate given that there is no indication of risk. Also, any restriction could generate enforcement and implementation (testing) costs. It is concluded that a restriction of cadmium in the</p>

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	confidential: No	<p>metal part of spectacle frames (under paragraph 10 of Entry 23) would not be proportionate based on current evidence. [1]</p> <p>2. The justification of the proposed modification concern only anti-fouling paints for ships and other marine equipment which can contain cadmium as an impurity, as there is no evidence that other paints in the EU contain cadmium [2].</p> <p>3. Copper-based antifouling paints are not used for the surface treatments of spectacle frames and sunglasses thus there is no relation with the proposed restriction than there is no indication of related risk for human health or the environment.</p> <p>4. The consumption of raw materials for the surface treatments of spectacle frames and sunglasses is very low: the thickness of dry paints applied are in the range of 30-5 μ; surfaces are in the range of 5-20 cm² than the quantity of dry product can be in the range of 2,5•10⁻⁵ - 6•10⁻⁴ cm³ means that, in the worse case, 10.000 pcs are needed to obtain 6 cm³: this quantity cannot pose any environmental and health risk due to possible impurity contained into the varnishes.</p> <p>5. Spectacle frames and sunglasses should not be seen as painted articles: they are Medical Devices and Personal Protection Equipment and therefore undergo a special conformity assessment procedure to ensure that harmful substances e.g. heavy metals are excluded from the contact to the patients and thus have to comply with the Medical Device Directive (93/42 EC). Due to the fact that the end consumer can easily change a sunglass into a spectacle frame without knowledge and control of the manufacturer optical manufacturers consider sunglasses as medical devices although they are personal protection equipment, then sunglasses have to be considered as medical devices as well. The majority of the conformity assessment procedures request the manufacturer to consider intentional use as well foreseeable misuse. As a consequence all manufacturers have to exclude all harmful substances from their products.</p> <p>6. The main objective of the proposal is to improve implementability and enforceability of the restriction, which should bring benefits in terms of reduced compliance and enforcement costs and neither negative impacts on industry nor on the consumers will be generated. No separate limit value for anti-fouling paints is necessary.[2]</p> <p>But if the spectacle frames and sunglasses are not exempt from the amendment to the restriction the result will be a new significant enforcement and testing costs added to already existing conformity assessment procedures. This would be not consistent with the declared scope of the amendment:</p> <p>Conclusions</p> <p>Every day around 4 million pieces of spectacle frames and sunglasses are put on the market and there will be a massive economic impact if any additional restriction related to cadmium in paints will involve spectacle frames and sunglasses. For decades there has been no single incident of this type with spectacle frames and sunglasses.</p> <p>Considering all the arguments and the risks possess by spectacle frames and sunglasses EUROM 1 Regulatory matters for frame group is of the opinion that:</p>
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		<p>- the amendment to the restriction should clearly be addressed to paints for ships and other marine equipment which can contain cadmium as an impurity accordingly with the objective of the proposal;</p> <p>- products that does not use than anti-fouling paints should be clearly exempted from testing for Cadmium in paints.</p> <p>As a consequence EUROM 1 Regulatory matters for frame group recommended the following statement to add into the REACH regulation: Eyeglass and sunglass frames are exempted from this extended restriction, since any possible exposure to Cadmium due to paints during normal or reasonably foreseeable use is already well removed.</p> <p>Literature [1] ECHA, 9 November 2012, Report on Cadmium in Spectacle Frames [2] ECHA, 25 October 2013, AMENDMENT TO A RESTRICTION</p> <hr/> <p>Dossier submitter response:</p> <p>Dossier submitter thank you for your extensive comment.</p> <p>As can be readily seen from the text, <u>the dossier proposes</u> to amend the restriction by i) extending the current restriction on use of paints to cover also placing on the market of paints, and ii) by adding a numerical limit value for the more efficient enforcement and monitoring (see the proposed wording below). Dossier submitter welcomes any potential information about additional uses of cadmium-containing paints, if used for e.g. spectacle frames. It is useful to know about any new uses not published before. If the industry in question has no intentional use nor identified presence of cadmium in the paints used (as mentioned in the comment), there should be no reason for a special concern.</p> <p><u>The dossier proposes no changes</u> to existing provision regulating paints with a certain zinc content and neither to that regulating placing on the market of painted articles. Those provisions are to remain as before, as should appear clear in the proposal. Therefore, it is of course useful for industry to check, whether there are any articles on sale on the market exceeding the currently existing limit concerning the paint on a painted article. However, as mentioned above these provisions have not been proposed to change in the dossier at hand.</p> <p style="padding-left: 40px;">Cadmium</p> <p style="padding-left: 40px;">CAS No 7440-43-9, EC No 231-152-8 and its compounds.</p> <p style="padding-left: 40px;">2. Shall not be used in paints [3208] [3209].</p> <p style="padding-left: 40px;"><u>Shall not be used, or placed on the markets, in paints [3208] [3209], if the concentration of</u></p>
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		<p><u>cadmium (expressed as Cd metal) is greater than 0.01% by weight.</u></p> <p>For paints with a zinc content exceeding 10% by weight of the paint, the concentration of cadmium (expressed as Cd metal) shall not be equal to or greater than 0.1% by weight.</p> <p>Painted articles shall not be placed on the market if the concentration of cadmium (expressed as Cd metal) is equal to or greater than 0.1% by weight of the paint on the painted article.</p> <p>It is not proposed that the current derogation for zinc-based paint and the restriction on painted articles be revised.</p> <p>RAC Rapporteurs comments: We thank the DS for the explanation that seems well justified and takes care of the concern raised by the comment.</p> <p>SEAC Rapporteurs comments: We thank you for the comment. SEAC agrees with Dossier Submitters Comments</p>
<p>914</p>	<p>Date: 2014/06/17 17:57</p> <p>Type: BehalfOfAnOrganisation</p> <p>Org. type: Industry or trade association</p> <p>Org. name: International Cadmium Association</p> <p>Org. country: Belgium</p> <p>Company name confidential: No</p>	<p>Comment:</p> <p>The International Cadmium Association (ICdA) hereby submits formal comments in the context of the public consultation on the Annex XV restrictions report for the amendment to entry 23 paragraph 2 of REACH Annex XVII covering cadmium in paints (Taric codes 3208 and 3209).</p> <p>ICdA submits that the proposed amendment to entry 23 paragraph 2 of REACH Annex XVII covering cadmium in paints (Taric codes 3208 and 3209) cannot proceed because the conditions for the amendment of Annex XVII to REACH are not met in this case, as recognized by ECHA itself and as clearly stated below.</p> <p>We therefore conclude that the proposed restrictions cannot be adopted on the basis of the REACH Regulation, so that the Agency can recommend termination of the procedure to the European Commission.</p> <p>Indeed, regarding Title VIII of the REACH Regulations, restrictions, or amendments to existing restrictions can only be adopted , not for administrative reasons, but in the presence of "a risk to human health or the environment that is not adequately controlled and needs to be addressed."</p> <p>This was also confirmed by the European Union General Court in the recent Case T-456/11, which states at paragraph 48 of its judgment that "The establishment by the contested regulation of new restrictions on the cadmium pigments at issue therefore presupposed that the conditions set out in Article 68(1) of Regulation No 1907/2006 were satisfied. That provision states that, when there is an unacceptable risk to human health or the environment, arising from the manufacture, use or placing on the market of substances, which needs to be addressed on a European Union-wide basis, Annex XVII to that regulation is to be amended by adopting new restrictions for the manufacture, use or placing on the market of substances on their own, in mixtures or in articles. Any such decision has to take into</p>

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		<p>account the socio-economic impact of the restriction, including the availability of alternatives".</p> <p>The Court also indicated that "In this connection, where experts carry out a scientific evaluation of the risks, the Commission must be given sufficiently reliable and cogent information to allow it to understand the ramifications of the scientific question raised and decide upon a policy in full knowledge of the facts. Consequently, if it is not to adopt arbitrary measures, which cannot in any circumstances be rendered legitimate by the precautionary principle, the Commission must ensure that any measures that it takes, even preventive measures, are based on as thorough a scientific evaluation of the risks as possible, account being taken of the particular circumstances of the case at issue (see, to that effect, Case T-13/99 Pfizer Animal Health v Council [2002] ECR II-3305, paragraph 162)" (paragraph 52 of the Court's judgment in the above-mentioned case).</p> <p>In this particular case, the draft RAC/SEAC-opinions indicate that "the extension of the scope" and "the proposed concentration limit of 0,01% for cadmium in paints" are not expected to have any "impacts on the human health or the environment from cadmium releases. The Report also indicates explicitly that "based on information available, no direct benefits are expected."</p> <p>These statements, very clear in their wording, must result in the Committee's conclusion that no restriction should be proposed or pursued because there is no demonstrated risk to human health or environmental to be controlled by the proposed measure.</p> <p>As to the risk that must be demonstrated in all cases for new restrictions (whether introduced through new entries or through amendments to existing entries), the report indicates that "it is not intended to give a complete risk assessment as the unacceptable risk from this substance is evident because of its existing entry."</p> <p>Here again, such an approach is in direct contradiction with the dictum of the EU General Court in its judgment in case T-456/11, which clearly stated that "if it is not to adopt arbitrary measures, which cannot in any circumstances be rendered legitimate by the precautionary principle, the Commission must ensure that any measures that it takes, even preventive measures, are based on as thorough a scientific evaluation of the risks as possible, account being taken of the particular circumstances of the case at issue".</p> <p>The Court did not accept general references to previous risk assessments or to general studies, but requested that specific justification of risks for the specific measure (paragraphs 53 to 71).</p> <p>In the present case, the general character of references to the hazard classification of Cadmium, or to the previous risk assessment report, is missing such specific justification.</p> <p>We therefore conclude that the only lawful conclusion of the current exercise is for the Committees and for ECHA to recommend terminating the current procedure to the European Commission. Any other action would be liable of causing damages to our members, and may be pursued in court accordingly."</p>
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		<p>Dossier submitter response:</p> <p>Thank you for your comment. DS interprets that the risk is established and important indirect benefits are shown to accrue, practically without any costs.</p> <p><i>Comment 1: "a risk to human health or the environment that is not adequately controlled and needs to be addressed."</i></p> <p><u>Reply:</u> It is seen that: "the unacceptable risk from this substance is evident because of its existing entry". It is seen that the basic risk itself has not changed from the original, and the modification proposed is rather concerned with the clarity and the enforcement of the entry.</p> <p><i>Comment 2: In this connection, where experts carry out a scientific evaluation of the risks, the Commission must be given sufficiently reliable and cogent information to allow it to understand the ramifications of the scientific question raised and decide upon a policy in full knowledge of the facts. Consequently, if it is not to adopt arbitrary measures, which cannot in any circumstances be rendered legitimate by the precautionary principle, the Commission must ensure that any measures that it takes, even preventive measures, are based on as thorough a scientific evaluation of the risks as possible, account being taken of the particular circumstances of the case at issue (see, to that effect, Case T-13/99 Pfizer Animal Health v Council [2002] ECR II-3305, paragraph 162)"</i></p> <p><u>Reply:</u> In relation to the claimed lack of risk assessment in the dossier, the hazards and risks of cadmium are covered through a reference to the Cadmium and Cadmium Oxide EU Risk Assessment Report (RAR) completed under Regulation 793/93 in 2007. Cadmium was restricted in paints under Directive 76/769/EEC. The Annex XV restriction dossier discussed in RAC and SEAC in December 2013 describes the risks by the restricted paints. For details, please see chapter B in the Restriction report. The Annex XV restriction dossier makes clear that the implemented risk management measures are not sufficient as they are not enforceable due to the lack of a concentration limit.</p> <p><i>Comment 3: In this particular case, the draft RAC/SEAC-opinions indicate that "the extension of the scope" and "the proposed concentration limit of 0,01% for cadmium in paints" are not expected to have any "impacts on the human health or the environment from cadmium releases. The Report also indicates explicitly that "based on information available, no direct benefits are expected."</i></p> <p><u>Reply:</u> The emphasis above should be on the word "direct". The main objective of the proposal is to improve implementability and enforceability of the restriction, which should bring benefits in terms of reduced compliance and enforcement costs. Furthermore, the restriction is being made more effective, practicable and monitorable by adding the concentration limit. It is noted that the amendment aims to an easier implementation of the restriction, in order to ensure a high level of protection of human health and environment. Finally, the extension of the scope to placing on the market includes anti-fouling paints manufactured in or imported into the EU. The only costs are expected to relate to the REACH</p>
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		<p>legislative process.</p> <p><i>Comment 4: As to the risk that must be demonstrated in all cases for new restrictions (whether introduced through new entries or through amendments to existing entries), the report indicates that "it is not intended to give a complete risk assessment as the unacceptable risk from this substance is evident because of its existing entry."</i></p> <p><i>Here again, such an approach is in direct contradiction with the dictum of the EU General Court in its judgment in case T-456/11, which clearly stated that "if it is not to adopt arbitrary measures, which cannot in any circumstances be rendered legitimate by the precautionary principle, the Commission must ensure that any measures that it takes, even preventive measures, are based on as thorough a scientific evaluation of the risks as possible, account being taken of the particular circumstances of the case at issue".</i></p> <p><u>Reply:</u> Same as the Reply to the Comment 2.</p> <p><i>Comment 5: The Court did not accept general references to previous risk assessments or to general studies, but requested that specific justification of risks for the specific measure (paragraphs 53 to 71). In the present case, the general character of references to the hazard classification of Cadmium, or to the previous risk assessment report, is missing such specific justification.</i></p> <p><u>Reply:</u> In the current case there is a current entry, which reveals that the risk has been agreed to exist. This risk has not since disappeared, the purpose of the proposal is to amend and make more efficient the entry regulating the original risk.</p> <p>RAC Rapporteurs comments: We thank the DS for the explanation that seems well justified and takes care of the concern raised by the submitter. The legal issues are outside the scope of RAC.</p> <p>SEAC Rapporteurs comments: Regarding Comment no 1, SEAC agrees that there is a risk, the risk from the current entry is still present, the aim of the dossier is to better control this risk. Comment no 2, 4, and 5: SEAC rely on the comments from Dossier Submitter as these comments are legal issues. Regarding comment no 3, the proposed restriction does not change the risk-benefit-cost assessment from the existing entry, it makes it monitorable, the benefits are qualitative and not quantitative, regarding the cost as mentioned by DS and SEAC agrees that cost implied are related to the REACH legislative process.</p>
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