

## ANNEX

(1) Annex I to Regulation (EC) No 850/2004 is replaced by the following:

ANNEX Part A —Substances listed in the Convention and in the Protocol as well as substances listed only in the Convention OJ L 37, 13.2.2003, p. 19. OJ L 24, 29.1.2008, p. 8. Substance CAS No EC No Specific exemption on intermediate use or other specification Tetrabromodiphenyl ether C<sub>12</sub>H<sub>6</sub>Br<sub>4</sub>O<sub>1</sub>.

I For the purposes of this entry, Article 4(1)(b) shall apply to concentrations of Tetrabromodiphenyl ether equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, preparations, articles or as constituents of the flame-retarded parts of articles.

2. By way of derogation, the production, placing on the market and use of the following shall be allowed:

- (a) without prejudice to subparagraph (b), articles and preparations containing concentrations below 0,1 % of tetrabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;
- (b) electrical and electronic equipment within the scope of Directive 2002/95/EC of the European Parliament and Council<sup>a</sup>.

3.

Use of articles already in use in the Union before 25 August 2010 containing Tetrabromodiphenyl ether as a constituent of such articles shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.

Pentabromodiphenyl ether C<sub>12</sub>H<sub>5</sub>Br<sub>5</sub>O<sub>1</sub>.

For the purposes of this entry, Article 4(1)(b) shall apply to concentrations of pentabromodiphenyl ether equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, preparations, articles or as constituents of the flame-retarded parts of articles.

2. By way of derogation, the production, placing on the market and use of the following shall be allowed:

- (a) without prejudice to subparagraph (b), articles and preparations containing concentrations below 0,1 % of pentabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;
- (b) electrical and electronic equipment within the scope of Directive 2002/95/EC.

3.

Use of articles already in use in the Union before 25 August 2010 containing Pentabromodiphenyl ether as a constituent of such articles shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.

Hexabromodiphenyl ether C<sub>12</sub>H<sub>4</sub>Br<sub>6</sub>O<sub>1</sub>.

For the purposes of this entry, Article 4(1)(b) shall apply to concentrations of hexabromodiphenyl ether equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, preparations, articles or as constituents of the flame-retarded parts of articles.

2. By way of derogation, the production, placing on the market and use of the following shall be allowed:

- (a) without prejudice to subparagraph (b), articles and preparations containing concentrations below 0,1 % of hexabromobiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;

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*Status: This is the original version (as it was originally adopted).*

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- (b) electrical and electronic equipment within the scope of Directive 2002/95/EC.

3.

Use of articles already in use in the Union before 25 August 2010 containing Hexabromodiphenyl ether as a constituent of such articles shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.

Heptabromodiphenyl ether C<sub>12</sub>H<sub>3</sub>Br<sub>7</sub>O<sub>1</sub>.

For the purposes of this entry, Article 4(1)(b) shall apply to concentrations of heptabromodiphenyl ether equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, preparations, articles or as constituents of the flame-retarded parts of articles.

2. By way of derogation, the production, placing on the market and use of the following shall be allowed:

- (a) without prejudice to subparagraph (b), articles and preparations containing concentrations below 0,1 % of heptabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;
- (b) electrical and electronic equipment within the scope of Directive 2002/95/EC.

3.

Use of articles already in use in the Union before 25 August 2010 containing Heptabromodiphenyl ether as a constituent of such articles shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.

Perfluorooctane sulfonic acid and its derivatives (PFOS) C<sub>8</sub>F<sub>17</sub>SO<sub>2</sub>X (X = OH, Metal salt (O-M<sup>+</sup>), halide, amide, and other derivatives including polymers) 1.

For the purposes of this entry, Article 4(1)(b) shall apply to concentrations of PFOS equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances or in preparations.

2.

For the purposes of this entry, Article 4(1) (b) shall apply to concentrations of PFOS in semi-finished products or articles, or parts thereof, if the concentration of PFOS is lower than 0,1 % by weight calculated with reference to the mass of structurally or micro-structurally distinct parts that contain PFOS or, for textiles or other coated materials, if the amount of PFOS is lower than 1 µg/m<sup>2</sup> of the coated material.

3.

Use of articles already in use in the Union before 25 August 2010 containing PFOS as a constituent of such articles shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.

4.

Fire-fighting foams that were placed on the market before 27 December 2006 may be used until 27 June 2011.

5. If the quantity released into the environment is minimised, production and placing on the market is allowed for the following specific uses provided that Member States report to the Commission every four years on progress made to eliminate PFOS:

- (a) until 26 August 2015, wetting agents for use in controlled electroplating systems;
- (b) photoresists or anti reflective coatings for photolithography processes;
- (c) photographic coatings applied to films, papers, or printing plates;
- (d) mist suppressants for non-decorative hard chromium (VI) plating in closed loop systems;
- (e) hydraulic fluids for aviation.

Where derogations in points (a) to (e) above concern the production or use in an installation within the scope of Directive 2008/1/EC of the European Parliament

and of the Council<sup>b</sup>, the relevant best available techniques for the prevention and minimisation of emissions of PFOS described in the information published by the Commission pursuant to Article 17(2), second subparagraph, of Directive 2008/1/EC shall apply.

As soon as new information on details of uses and safer alternative substances or technologies for the uses in points (b) to (e) becomes available, the Commission shall review the derogations in the second subparagraph so that:

- (i) the uses of PFOS will be phased out as soon as the use of safer alternatives is technically and economically feasible,
- (ii) a derogation can only be continued for essential uses for which safer alternatives do not exist and where the efforts undertaken to find safer alternatives have been reported on,
- (iii) releases of PFOS into the environment have been minimised by applying best available techniques.

6.

Once standards are adopted by the European Committee for Standardisation (CEN) they shall be used as the analytical test methods for demonstrating the conformity of substances, preparations and articles to paragraphs 1 and 2.

DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)50-29-3200-024-3—  
 Chlordane57-74-9200-349-0—Hexachlorocyclohexanes, including  
 lindane58-89-9200-401-2—  
 319-84-6206-270-8319-85-7206-271-3608-73-1210-168-9Dieldrin60-57-1200-484-5  
 —Endrin72-20-8200-775-7—Heptachlor76-44-8200-962-3—  
 Hexachlorobenzene118-74-1200-273-9—Chlordecone143-50-0205-601-3—  
 Aldrin309-00-2206-215-8—Pentachlorobenzene608-93-5210-172-5—  
 Polychlorinated Biphenyls (PCB)1336-36-3 and others215-648-1 and othersWithout  
 prejudice to Directive 96/59/EC, articles already in use at the time of the entry  
 into force of this Regulation are allowed to be usedMirex2385-85-5219-196-6—  
 Toxaphene8001-35-2232-283-3—Hexabromobiphenyl36355-01-8252-994-2—

### Part B —

#### SUBSTANCES LISTED ONLY IN THE PROTOCOL

Substance	CAS No	EC No	Specific exemption on intermediate use or other specification
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(2) In Annex III the following substance is added:

‘Pentachlorobenzene (CAS No 608-93-5)’