

Commission Regulation (EU) No 494/2011 of 20 May 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Cadmium) (Text with EEA relevance)

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 494/2011, ANNEX. (See end of Document for details)

ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, the table setting out the designation of the substances, groups of substances and mixtures and the conditions of restriction is amended as follows:

1. in the second column of entry 23, paragraphs 1 to 4 are replaced by the following:

	<p>‘1. Shall not be used in mixtures and articles produced from synthetic organic polymers (hereafter referred to as plastic material) such as:</p> <ul style="list-style-type: none"> — polymers or copolymers of vinyl chloride (PVC) [3904 10] [3904 21] — polyurethane (PUR) [3909 50] — low-density polyethylene (LDPE), with the exception of low-density polyethylene used for the production of coloured masterbatch [3901 10] — cellulose acetate (CA) [3912 11] — cellulose acetate butyrate (CAB) [3912 11] — epoxy resins [3907 30] — melamine-formaldehyde (MF) resins [3909 20] — urea-formaldehyde (UF) resins [3909 10] — unsaturated polyesters (UP) [3907 91] — polyethylene terephthalate (PET) [3907 60] — polybutylene terephthalate (PBT) — transparent/general-purpose polystyrene [3903 11] — acrylonitrile — methylmethacrylate (AMMA) — cross-linked polyethylene (VPE) — high-impact polystyrene — polypropylene (PP) [3902 10] — high-density polyethylene (HDPE) [3901 20] — acrylonitrile butadiene styrene (ABS) [3903 30] — poly(methyl methacrylate) (PMMA) [3906 10].
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Mixtures and articles produced from plastic material shall not be placed on the market if the concentration of cadmium (expressed as Cd metal) is equal to or greater than 0,01 % by weight of the plastic material.

[^{X1}By way of derogation, the second subparagraph shall not apply to articles placed on the market before 10 December 2011.]

The first and second subparagraphs apply without prejudice to Council Directive 94/62/EC^a and acts adopted on its basis.

2. Shall not be used in paints [3208] [3209].

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.

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.

3. By way of derogation, paragraphs 1 and 2 shall not apply to articles coloured with mixtures containing cadmium for safety reasons.

4. By way of derogation, paragraph 1, second subparagraph shall not apply to:

- mixtures produced from PVC waste, hereinafter referred to as “recovered PVC”,
- mixtures and articles containing recovered PVC if their concentration of cadmium (expressed as Cd metal) does not exceed 0,1 % by weight of the plastic material in the following rigid PVC applications:

(a) profiles and rigid sheets for building applications;

^a OJ L 365, 31.12.1994, p. 10.’

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- (b) doors, windows, shutters, walls, blinds, fences, and roof gutters;
- (c) decks and terraces;
- (d) cable ducts;
- (e) pipes for non-drinking water if the recovered PVC is used in the middle layer of a multilayer pipe and is entirely covered with a layer of newly produced PVC in compliance with paragraph 1 above.

Suppliers shall ensure, before the placing on the market of mixtures and articles containing recovered PVC for the first time, that these are visibly, legibly and indelibly marked as follows: “*Contains recovered PVC*” or with the following pictogram:



In accordance with Article 69 of this Regulation, the derogation granted in paragraph 4 will be reviewed, in particular with a view to reducing the limit value for cadmium and to reassess the derogation for the applications listed in points (a) to (e), by 31 December 2017.

a OJ L 365, 31.12.1994, p. 10.’

2. in the second column of entry 23, paragraphs 8, 9, 10 and 11 are added as follows:

- 8. Shall not be used in brazing fillers in concentration equal to or greater than 0,01 % by weight.

Brazing fillers shall not be placed on the market if the concentration of cadmium

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(expressed as Cd metal) is equal to or greater than 0,01 % by weight.

For the purpose of this paragraph brazing shall mean a joining technique using alloys and undertaken at temperatures above 450 °C.

9. By way of derogation, paragraph 8 shall not apply to brazing fillers used in defence and aerospace applications and to brazing fillers used for safety reasons.
10. Shall not be used or placed on the market if the concentration is equal to or greater than 0,01 % by weight of the metal in:
- (i) metal beads and other metal components for jewellery making;
 - (ii) metal parts of jewellery and imitation jewellery articles and hair accessories, including:
 - bracelets, necklaces and rings,
 - piercing jewellery,
 - wrist-watches and wrist-wear,
 - brooches and cufflinks.
- [^{XI}11. By way of derogation, paragraph 10 shall not apply to articles placed on the market before 10 December 2011 and jewellery more than 50 years old on 10 December 2011.]

Editorial Information

- X1** Substituted by Corrigendum to Commission Regulation (EU) No 494/2011 of 20 May 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Cadmium) (Official Journal of the European Union L 134 of 21 May 2011).

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EU) No 494/2011, ANNEX.