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Various amendments of REACH Annex XVII have been published

Recently, there are several Regulations amending REACH Annex XVII published in the Official Journal of the European Union (OJEU). These contribute the total number of restricted substances in Annex XVII to 63 and update two restricted substances. Table A summarizes the recent amendments of REACH Annex XVII. The details are discussed in the following paragraphs.

Amendment of Entry 23 – Cadmium restriction in plastic materials

[Regulation \(EU\) No 835/2012](#)² amending the cadmium restrictions under REACH Annex XVII entry 23 was published on 19 September 2012 in the OJEU. The amendment aims at confining the scope of cadmium restriction in synthetic organic polymers and it is effective once published in the OJEU.

The scope of cadmium originally applied to all synthetic organic polymers (referred as plastic materials), paints, jewellery but the scope of the plastic materials is narrow down to specific kinds of plastic materials. Table A compares the cadmium restrictions on plastic materials before and after the amendment. There is no change to the limit of the cadmium restriction and the amendment should apply from 10 December 2012 for the sake of legal certainty.

Upon the introduction of [Regulation \(EU\) 494/2011](#)⁵, certain types of restricted plastic materials do not have suitable alternatives. Hence,

further assessment is required. As a result, the European Commission will request the European Chemicals Agency to prepare assessment of cadmium for those types of plastic materials that were restricted for the first time by Regulation (EU) No 494/2011 on 19 November 2012. In order to have a full picture of the cadmium restrictions, please refer to the [consolidated version of REACH Regulation](#)⁶ and current amendment (the Regulation (EU) No 835/2012).



Table A: Summary of recent amendment of REACH Annex XVII

Regulation	Restricted substance	Scope/Updates	Requirement	Date of application
Regulation (EU) No 847/2012 ¹	Mercury - Entry 18a	Scope extension to certain mercury-containing measuring devices for professional and industrial uses	The uses of those devices are prohibited	10 April 2014
Regulation (EU) No 835/2012 ²	Cadmium - Entry 23	Only certain types of plastic materials are under the restriction	<0.01% by weight (Unchanged)	10 December 2011
Regulation (EU) No 848/2012 ³	Five phenylmercury compounds - Entry 62 (New entry in Annex XVII)	Scope: substances, mixtures and articles	<0.01% by weight	10 October 2017
Regulation (EU) No 836/2012 ⁴	Lead - Entry 63 (New entry in Annex XVII)	Scope: jewellery articles including jewellery, imitation jewellery and hair accessories	<0.05% by weight for individual parts of the jewellery articles	9 October 2013

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Table B: Comparison between the scopes of cadmium restrictions on certain plastic materials

Previous regulation according to Regulation (EU) No 494/2011	Current regulation according to Regulation (EU) No 835/2012
The mixtures and articles produced from all plastic materials should not be placed on the market if the Cd \geq 0.01 % by weight of the plastic material, e.g.	The mixtures and articles produced from the below plastic materials should not be placed on the market if the Cd \geq 0.01 % by weight of the plastic material, e.g.
<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] 	<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]

Inclusion of five phenylmercury compounds as entry 62

The [Regulation \(EU\) No 848/2012](#)³ has been published to include five phenylmercury compounds as entry 62 under REACH Annex XVII on 20 September 2012. In order to give sufficient time for the replacement of the substances by alternatives, the restriction will apply 5 years later on 10 October 2017.

According to the Regulation, substances, mixtures or articles containing those phenylmercury compounds at a concentration greater than or equal to 0.01% by weight should not be available on the market of the European Union. Upon disposal and other various routes, these phenylmercury compounds can lead to the release of mercury to the environment. As Mercury and its compounds are highly toxic to humans, ecosystems and wildlife, there is a widely recognised need to further reduce mercury emissions at an EU and global level.

The five phenylmercury compounds are commonly used as catalysts in polyurethane systems for coatings, adhesives, sealants and elastomer applications. The mercury catalysts are incorporated into the polymer structure and remains in the final product. Consumer products such as footwear, electrical and electronic appliances, furniture, etc. may contain phenylmercury compounds. As there is no specific exemption included in this entry, manufacturers may need to check whether these chemicals are used during the production process and seek any alternatives if necessary. For the details of the restriction, please refer to Table A.

Table C: Summary of entry 62 restriction under REACH Annex XVII

Chemicals of entry 62	1. Phenylmercury acetate
	EC No: 200-532-5
	CAS No: 62-38-4
	2. Phenylmercury propionate
	EC No: 203-094-3
Chemicals of entry 62	CAS No: 103-27-5
	3. Phenylmercury 2-ethylhexanoate
Chemicals of entry 62	EC No: 236-326-7
	CAS No: 13302-00-6
Chemicals of entry 62	4. Phenylmercury octanoate
	EC No: -
	CAS No: 13864-38-5
Chemicals of entry 62	5. Phenylmercury neodecanoate
	EC No: 247-783-7
Chemicals of entry 62	CAS No: 26545-49-3
	Scope
Exemption	No specific exemption
Limit	<0.01% by weight
Date of application	10 October 2017

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Amendment of Entry 18a – Mercury restriction in measuring devices

On 20 September 2012, the Regulation (EU) No 847/2012¹ amending mercury restriction, entry 18a, under REACH Annex XVII has been published. The scope of mercury-containing/using measuring devices is extended to various applications for industrial and professional uses. The amendment will apply on 10 April 2014.

As stated in the Regulation (EC) No 552/2009⁷, the European Commission carried out a review of the availability of reliable safer alternatives for mercury measuring devices. With the significant amount of new information available and alternative measuring devices without mercury are available, it is necessary to extend the scope of restriction and a number of exemptions are granted. Table D summarizes the details of the amendment.

Table D: Summary of the amendment for mercury restrictions

	The following mercury-containing/measuring devices intended for industrial and professional uses no matter if it is empty or not, should not be placed on the market after 10 April 2014:
Scope (newly added)	<ol style="list-style-type: none"> 1. Barometers 2. Hygrometers 3. Manometers 4. Sphygmomanometers 5. Strain gauges to be used with plethysmographs 6. Tensiometers 7. Thermometers and other non-electrical thermometric applications 8. Mercury pycnometers 9. Mercury metering devices for determination of the softening point
Exemption (newly included)	<ol style="list-style-type: none"> 1. Sphygmomanometers <ol style="list-style-type: none"> a. In epidemiological studies which are ongoing on 10 October 2012 b. as reference standards in clinical validation studies of mercury-free sphygmomanometers 2. Thermometers exclusively intended to perform tests according to standards that require the use of mercury thermometers until 10 October 2017 3. Mercury triple point cells which are used for the calibration of platinum resistance thermometers 4. Mercury-containing/using measuring devices that newly included in the scope of the Regulation (EU) No 847/2012 <ol style="list-style-type: none"> a. Measuring devices more than 50 years old on 3 October 2007 a. Measuring devices which are to be displayed in public exhibitions for cultural and historical purposes
Deleted item	Paragraph 4 is deleted
Date of application	10 April 2014

¹ Regulation (EU) No 847/2012: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ.L:2012:253:0001:0004:EN:PDF>

² Regulation (EU) No 835/2012: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ.L:2012:252:0001:0003:EN:PDF>

³ Regulation (EU) No 848/2012: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ.L:2012:253:0005:0007:EN:PDF>

⁴ Regulation (EU) No 836/2012: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ.L:2012:252:0004:0006:EN:PDF>

⁵ Regulation (EU) No 494/2012: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2011R0494:20110610:EN:PDF>

⁶ Consolidated version of REACH regulation (up-to-date until 5 June 2012): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1907:20120605:EN:PDF>

⁷ Regulation (EC) No 552/2009: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ.L:2009:164:0007:0031:EN:PDF>

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