



15 February 2019

(19-0888)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: European Commission Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: European Commission EU-TBT Enquiry Point Fax: +(32) 2 299 80 43 E-mail: grow-eu-tbt@ec.europa.eu Website: http://ec.europa.eu/growth/tools-databases/tbt/en/
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Chemical substances
5. Title, number of pages and language(s) of the notified document: Draft Commission Regulation amending Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (6 pages + Annex 5 pages, in English)
6. Description of content: This draft Commission Regulation aims at amending Annex XIV of the REACH Regulation. Annex XIV lists the substances which are subject to the authorisation requirement laid down in Title VII of the Regulation. The draft proposes to include 12 additional substances in that Annex, namely: <ul style="list-style-type: none">• 1,2-benzenedicarboxylic acid, dihexyl ester, branched and linear;• dihexyl phthalate;• 1,2-benzenedicarboxylic acid, di-C6-10-alkyl esters; 1,2-benzenedicarboxylic acid, mixed decyl and hexyl and octyl diesters with $\geq 0.3\%$ of dihexyl phthalate;• trixylyl phosphate;• sodium perborate, perboric acid, sodium salt;• sodium peroxometaborate;• 5-sec-butyl-2-(2,4-dimethylcyclohex-3-en-1-yl)-5-methyl-1,3-dioxane [1], 5-sec-butyl-2-(4,6-dimethylcyclohex-3-en-1-yl)-5-methyl-1,3-dioxane [2] (covering any of the individual stereoisomers of [1] and [2] or any combination thereof) ('karanal group');• 2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol (UV-328);

- 2,4-di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (UV-327);
- 2-(2H-benzotriazol-2-yl)-4-(tert-butyl)-6-(sec-butyl)phenol (UV-350);
- 2-benzotriazol-2-yl-4,6-di-tert-butylphenol (UV-320);
- diazene-1,2-dicarboxamide (C,C'-azodi(formamide)) (ADCA).

Once the regulation is adopted and enters into force, the placing on the market and the use of those substances in the EU will only be possible, after the date specified for each substance ("sunset date"), for those operators who have been granted an authorisation in accordance with Articles 60-64 of REACH, and for those who have submitted an application for authorisation before a given date ("latest application date") but a decision has not yet been adopted.

Furthermore the draft Regulation propose to extend for a limited period of time the transitional periods of a number of substances, for uses in the production of spare parts for the repair of articles or complex products produced before the sunset date and for the repair of such articles/complex products.

- 7. Objective and rationale, including the nature of urgent problems where applicable:** The objective of this draft Regulation is to subject 12 substances of very high concern to the authorisation requirement laid down in the REACH Regulation. According to Article 55 of REACH, the aim of the authorisation provisions is *"to ensure the good functioning of the internal market while assuring that the risks from substances of very high concern are properly controlled and that these substances are progressively replaced by suitable alternative substances or technologies where these are economically and technically viable."*

The proposal to extend the transitional period for a number of substances for uses in legacy spare parts and repair of articles produced before the sunset date aims at allowing for the future adoption of measures on simplified applications for authorisation for those uses, which are considered necessary in order to avoid the premature obsolescence of such articles.

8. Relevant documents:

- Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1). Regulation as last amended by Commission Regulation (EU) 2018/675 of 2 May 2018 amending the Appendices to Annex XVII to Regulation (EC) No 1907/2006 as regards CMR substances (OJ L 114, 4.5.2018, p. 4).

9. Proposed date of adoption: October 2019

Proposed date of entry into force: 20 days after publication in the Official Journal of the European Union

10. Final date for comments: 60 days from notification

11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:

European Commission

EU-TBT Enquiry Point

Fax: + (32) 2 299 80 43

E-mail: grow-eu-tbt@ec.europa.eu

The text is available on the EU-TBT Website: <http://ec.europa.eu/growth/tools-databases/tbt/en/>

https://members.wto.org/crnattachments/2019/TBT/EEC/19_0898_00_e.pdf

https://members.wto.org/crnattachments/2019/TBT/EEC/19_0898_01_e.pdf