



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL
ENVIRONMENT DIRECTORATE-GENERAL

Directors General

Brussels,
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European Chemicals Agency
Attn. Mr. Geert Dancet
Executive Director
Annankatu 18, P.O. Box 400
F-00121 Helsinki, Finland

Subject: Request to ECHA to prepare an Annex XV dossier on certain uses of cadmium and its compounds under Regulation (EC) No 1907/2006 (REACH)

Dear Mr. Dancet,

On 19 September 2012 the Commission Regulation (EU) No 835/2012 amending Regulation (EC) No 1907/2006 (REACH) as regards Annex XVII (cadmium) was published in the Official Journal of the EU. The Commission Regulation entered into force on the day of its publication. The Annex to this Commission Regulation (amendment of entry 23 of Annex XVII) lists specific plastic materials for the production of mixtures and articles, in which cadmium and cadmium compounds shall not be used and which shall not be placed on the market if the concentration of cadmium is equal to or greater than 0.01% by weight of the plastic material. Moreover, an additional subparagraph is added in paragraph 1 of entry 23 which refers to future action of the Commission under this entry. In accordance with Article 69 of REACH, we are now asking ECHA to prepare a dossier conforming to the requirements of Annex XV in order to assess whether the use of cadmium and its compounds in plastic material, other than that listed in subparagraph 1 of entry 23 of Annex XVII, should be restricted.

In the preparation of the Annex XV dossier, ECHA shall identify the plastic materials (other than those listed in first subparagraph of paragraph 1 of entry 23, Annex XVII of Regulation (EC) No 1907/2006) for which cadmium compounds are used during their production. ECHA shall assess the risks posed by such compounds in those plastic materials, taking into account, when feasible, existing studies related to the risks posed by cadmium and its compounds, as well as any additional information that it has received during the preparation of the dossier. The identification of possible alternatives, the assessment of the potential risks posed by these alternatives towards human health and the environment and the cost analysis shall be included in the Annex XV dossier.

Particular focus should be given to the use of cadmium pigments to colour plastics. Consideration shall also be given to the possible options that may exist to substitute these pigments in applications involving high temperature moulding of plastics, and in particular of engineering plastics.

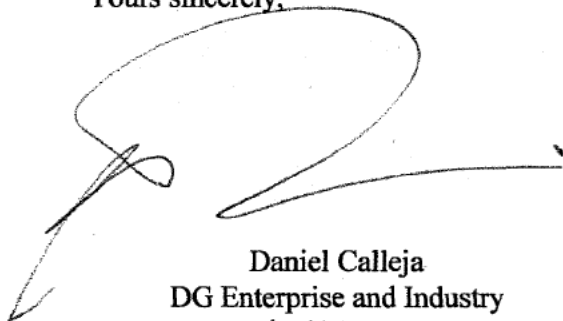
On 28 September 2011 the Commission requested ECHA to evaluate the current restrictions as listed in paragraph 2 of entry 23 of Annex XVII, related to the use of cadmium and cadmium compounds in paints with TARIC codes [3208] [3209].

Based on ECHA's report "Collection of Technical and Socio-economic Information Concerning the Issue of Cadmium in Paints (Including Copper-Based Paints) provided to the Commission on 9 November 2012, we are asking ECHA to propose and justify, as part of the above mentioned Annex XV dossier, to extend the existing restriction to the placing on the market of paints with TARIC codes [3208] [3209] containing cadmium. For enforceability reason, the dossier should propose the necessary specific limit values of cadmium for such paints.

In particular, the Annex XV dossier should explore whether a specific limit value for the concentration of cadmium in antifouling paints covered by the TARIC codes [3208] [3209] based on copper is required. Because antifouling paints based on copper are also under consideration under the provisions of Regulation (EU) No 528/2012 (Biocidal Products Regulation) for the approval of active substances, the setting of a concentration limit should consider the ongoing activities under the Biocidal Products Regulation.

According to Article 69(3) of Regulation (EC) No 1907/2006, within 12 months of the receipt of this request from the Commission, ECHA should communicate its conclusion to the Commission and if the dossier demonstrates that action on a EU-wide basis is necessary, beyond any measures already in place, the Agency shall suggest restrictions, in order to initiate the restrictions process.

Yours sincerely,



Daniel Calleja
DG Enterprise and Industry

Antti I. Peltomäki
Director General



Karl Falkenberg
DG Environment