COMMISSION REGULATION (EU) No 126/2013
of 13 February 2013


(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,


Whereas:

(1) Annex XVII to Regulation (EC) No 1907/2006 has taken over the restrictions previously laid down in Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (1). In entry 6, paragraph 1, of Annex XVII to that Regulation, the term ‘product’, used in the original restriction on asbestos in Directive 76/769/EEC, was replaced by ‘article’ which does not cover mixtures. In order for entry 6, paragraph 1, to cover the same items as that Directive, the term ‘mixtures’ should be added.

(2) The derogations in entries 16 and 17 of Annex XVII to Regulation (EC) No 1907/2006 as regards the use of lead carbonates and lead sulphates in paints for the restoration and maintenance of works of art and historic buildings and their interiors should apply not only to the use but also to the placing on the market in order to allow those paints to be available for restoration and maintenance works as well.


(6) The substance methylenediphenyl diisocyanate (MDI) in entry 56 of Annex XVII to Regulation (EC) No 1907/2006, identified by CAS number 26447-40-5 and EC number 247-714-0, encompasses all isomeric mixtures and all specific isomers. However, certain specific isomers have specific CAS or EC numbers. In order to clarify that all isomers are covered, three specific CAS and EC numbers should be added.

THE COMMISSION WHEREAS:


(8) The entry on diisopentylphthalate in Appendix 6 to Annex XVII to Regulation (EC) No 1907/2006 indicates incorrect EC and CAS numbers, which should be corrected.

(9) New standards concerning the testing methods for azocolourants and azodyes have been adopted by the European Committee for Standardization. It is therefore necessary to update Appendix 10 to Annex XVII to Regulation (EC) No 1907/2006 to take account of those standards.

(10) Regulation (EC) No 1907/2006 should therefore be amended accordingly.

(11) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 133 of Regulation (EC) No 1907/2006, HAS ADOPTED THIS REGULATION:

Article 1
Annex XVII to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

Article 2
This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 February 2013.

For the Commission
The President
José Manuel BARROSO

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) in entry 6, column 2, paragraph 1, the first subparagraph is replaced by the following:

‘1. The manufacture, placing on the market and use of these fibres and of articles and mixtures containing these fibres added intentionally is prohibited.’;

(2) in entry 16, column 2, the second paragraph is replaced by the following:

‘However, Member States may, in accordance with the provisions of International Labour Organization (ILO) Convention 13, permit the use on their territory of the substance or mixture for the restoration and maintenance of works of art and historic buildings and their interiors, as well as the placing on the market for such use. Where a Member State makes use of this derogation, it shall inform the Commission thereof;’;

(3) in entry 17, column 2, the second paragraph is replaced by the following:

‘However, Member States may, in accordance with the provisions of International Labour Organization (ILO) Convention 13, permit the use on their territory of the substance or mixture for the restoration and maintenance of works of art and historic buildings and their interiors, as well as the placing on the market for such use. Where a Member State makes use of this derogation, it shall inform the Commission thereof;’;

(4) in entries 28, 29 and 30, column 2, paragraph 1, the fifth indent of the first subparagraph is replaced by the following:

‘— the relevant concentration specified in Directive 1999/45/EC where no specific concentration limit is set out in Part 3 of Annex VI to Regulation (EC) No 1272/2008;’;

(5) in entry 40, column 1, the words ‘to that Regulation’ are replaced by ‘to Regulation (EC) No 1272/2008’;

(6) entry 42 is deleted;

(7) in entry 47, column 2, the following paragraph 4 is added:

‘4. The standard adopted by the European Committee for Standardization (CEN) for testing the water-soluble chromium (VI) content of cement and cement-containing mixtures shall be used as the test method for demonstrating conformity with paragraph 1;’;

(8) in entry 56, column 1 is replaced by the following:

‘56. Methylene diphenyl diisocyanate (MDI)

CAS No 64447-40-5
EC No 247-714-0

including the following specific isomers:

(a) 4,4’-Methylene diphenyl diisocyanate:

CAS No 101-68-8
EC No 202-966-0;

(b) 2,4’-Methylene diphenyl diisocyanate:

CAS No 5873-54-1
EC No 227-534-9;

(c) 2,2’-Methylene diphenyl diisocyanate:

CAS No 2536-05-2
EC No 219-799-4’;
(9) in Appendix 4, in the column headed ‘Notes’, references to notes E, H and S are deleted;

(10) in Appendix 6, the row for the entry concerning 1,2-benzenedicarboxylic acid, dipentylester, branched and linear n-pentyl-isopentylphthalate, di-n-pentyl phthalate, diisopentylphthalate is replaced by the following:

<table>
<thead>
<tr>
<th>Substances</th>
<th>Index No</th>
<th>EC No</th>
<th>CAS No</th>
<th>Notes</th>
</tr>
</thead>
</table>

(11) Appendix 10 is replaced by the following:

‘Appendix 10

Entry 43 — Azocolourants — List of testing methods

List of testing methods

<table>
<thead>
<tr>
<th>European standardisation organisation</th>
<th>Reference and title of the harmonised standard</th>
<th>Reference of the superseded standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Leather — Chemical tests for the determination of certain azo colorants in dyed leathers — Part 1: Determination of certain aromatic amines derived from azo colorants</td>
<td></td>
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<tr>
<td></td>
<td>Leather — Chemical tests for the determination of certain azo colorants in dyed leathers — Part 2: Determination of 4-aminoazobenzene</td>
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<td>CEN</td>
<td>EN 14362-1:2012</td>
<td>EN 14362-1:2003</td>
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<td>Textiles — Methods for determination of certain aromatic amines derived from azo colorants — Part 1: Detection of the use of certain azo colorants accessible with and without extracting the fibres</td>
<td>EN 14362-2:2003</td>
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<td>CEN</td>
<td>EN 14362-3:2012</td>
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<td></td>
<td>Textiles — Methods for determination of certain aromatic amines derived from azo colorants — Part 3: Detection of the use of certain azo colorants, which may release 4-aminoazobenzene'</td>
<td></td>
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