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COMMISSION IMPLEMENTING DECISION (EU) 2026/1377

of 11 May 2026

amending Implementing Decision (EU) 2019/961 authorising a provisional measure taken by the French Republic in accordance with Article 129 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) to restrict the use and the placing on the market of certain wood treated with creosote and other creosote-related substances

(notified under document C(2026) 2999

(Only the French text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ([1]), and in particular Article 129(2) thereof,

Whereas:

(1) On 7 June 2019, the Commission adopted Implementing Decision (EU) 2019/961 ([2]) authorising a provisional measure taken by France in accordance with Article 129 of Regulation (EC) No 1907/2006 to restrict the use and the placing on the market of certain wood treated with creosote and other creosote-related substances. The authorisation was granted until 7 September 2021.

(2) On 24 February 2022, the Commission adopted Implementing Decision (EU) 2022/326 ([3]), which retroactively extended the authorisation of the provisional measure until 7 May 2024. This extension took into account that France needed more time to prepare and submit a dossier pursuant to Article 69(4) of Regulation (EC) No 1907/2006 ('the Annex XV dossier') to the European Chemicals Agency ('the Agency') and that the conclusion of the restriction procedure would take longer than anticipated.

([1]) OJ L 396, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1907/oj.

([2]) Commission Implementing Decision (EU) 2019/961 of 7 June 2019 authorising a provisional measure taken by the French Republic in accordance with Article 129 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) to restrict the use and the placing on the market of certain wood treated with creosote and other creosote-related substances (OJ L 154, 12.6.2019, p. 44, ELI: http://data.europa.eu/eli/dec_impl/2019/961/oj).

([3]) Commission Implementing Decision (EU) 2022/326 of 24 February 2022 amending Implementing Decision (EU) 2019/961 authorising a provisional measure taken by the French Republic in accordance with Article 129 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) to restrict the use and the placing on the market of certain wood treated with creosote and other creosote-related substances (OJ L 55, 28.2.2022, p. 76, ELI: http://data.europa.eu/eli/dec_impl/2022/326/oj).

(3) On 7 October 2022, in accordance with Article 129(3) of Regulation (EC) No 1907/2006, France initiated the restriction procedure by submitting the Annex XV dossier to the Agency proposing a revision of the existing restriction on creosote and creosote-related substances ([4]).

(4) On 31 January 2024, the Agency sent to the Commission the opinions on the Annex XV dossier adopted by its Committee for Risk Assessment (RAC) ([5]) and its Committee for Socioeconomic Analysis (SEAC) ([6]).

(5) The Commission is preparing a draft amendment of the existing restriction for creosote and creosote-related substances in entry 31 of Annex XVII to Regulation (EC) No 1907/2006 as regards creosote and creosote-related substances.

(6) In a letter dated 27 October 2025, France noted that the restriction procedure had not yet been concluded. France therefore requested the Commission to further extend the authorisation of the provisional national measure to restrict the use and the placing on the market of certain wood treated with creosote and other creosote-related substances.

(7) The reasons for authorising the provisional measure as set out in Implementing Decision (EU) 2019/961 remain unchanged. Consequently, the provisional measure should continue to be authorised.

(8) In order to avoid the legal uncertainty that would result from the expiry of the authorisation of the French provisional measure, which protects human health and the environment, before the application date of the update to the restriction, it is necessary to extend, with retroactive effect, the duration for which the provisional measure is authorised.

(9) In the Annex XV dossier, France proposed that the changes to the restriction should become applicable 12 months after entry into force; this was supported by RAC and SEAC in their opinions. As the restriction process is still ongoing and to ensure that the extension of the authorisation gives sufficient time for conclusion of the restriction procedure and covers the period between its entry into force and applicability, the authorisation should be extended until 7 June 2028, that is, by 49 months.

(10) Implementing Decision (EU) 2019/961 should therefore be amended accordingly.

(11) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1(1) of Implementing Decision (EU) 2019/961 ‘59 months’ is replaced by ‘108 months’.

Article 2

This Decision shall apply from 8 May 2024.

([4]) https://echa.europa.eu/documents/10162/8c86e241-dd35-1812-6a4e-52e90ec1d320.
([5]) https://echa.europa.eu/documents/10162/60f7bfbe-953b-631c-84b3-4a5a78ebbc3d.
([6]) https://echa.europa.eu/documents/10162/4073ba72-d5b8-ae29-c3c0-b099719ace94.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 11 May 2026.

For the Commission
Stéphane SÉJOURNÉ
Executive Vice-President