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Contents

[1] Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

[1] Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/168

of 31 January 2019

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances abamectin, *Bacillus subtilis* (Cohn 1872) Strain QST 713, *Bacillus thuringiensis* subsp. Aizawai, *Bacillus thuringiensis* subsp. israeliensis, *Bacillus thuringiensis* subsp. kurstaki, *Beauveria bassiana*, benfluralin, clodinafop, clopyralid, *Cydia pomonella Granulovirus* (CpGV), cyprodinil, dichlorprop-P, epoxiconazole, fenpyroximate, fluazinam, flutolanil, fosetyl, *Lecanicillium muscarium*, mepanipyrim, mepiquat, *Metarhizium anisopliae* var. Anisopliae, metconazole, metrafenone, *Phlebiopsis gigantea*, pirimicarb, *Pseudomonas chlororaphis* strain: MA 342, pyrimethanil, *Pythium oligandrum*, rimsulfuron, spinosad, *Streptomyces* K61, thiacloprid, tolclofos-methyl, *Trichoderma asperellum*, *Trichoderma atroviride*, *Trichoderma gamsii*, *Trichoderma harzianum*, triclopyr, trinexapac, triticonazole, *Verticillium albo-atrum* and ziram

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular the first paragraph of Article 17 thereof,

Whereas:

(1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ([2]) sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.

(2) The approval periods of the active substances *Bacillus subtilis* (Cohn 1872) Strain QST 713, clodinafop, clopyralid, cyprodinil, dichlorprop-P, fosetyl, mepanipyrim, metconazole, metrafenone, pirimicarb, *Pseudomonas chlororaphis* strain: MA 342, pyrimethanil, rimsulfuron, spinosad, thiacloprid, tolclofos-methyl, triclopyr, trinexapac, triticonazole and ziram were last extended by Commission Implementing Regulation (EU) 2018/524 ([3]). The approval periods of those substances will expire on 30 April 2019.

(3) The approval periods of the active substances benfluralin, fluazinam, flutolanil and mepiquat will expire on 28 February 2019.

([1]) OJ L 309, 24.11.2009, p. 1.

([2]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

([3]) Commission Implementing Regulation (EU) 2018/524 of 28 March 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances Bacillus subtilis (Cohn 1872) Strain QST 713, identical with strain AQ 713, clodinafop, clopyralid, cyprodinil, dichlorprop-P, fosetyl, mepanipyrim, metconazole, metrafenone, pirimicarb, *Pseudomonas chlororaphis strain*: MA 342, pyrimethanil, quinoxyfen, rimsulfuron, spinosad, thiacloprid, thiamethoxam, thiram, tolclofos-methyl, triclopyr, trinexapac, triticonazole and ziram (OJ L 88, 4.4.2018, p. 4).

(4) The approval periods of the active substances abamectin, *Bacillus thuringiensis* subsp. Aizawai, *Bacillus thuringiensis* subsp. israeliensis, *Bacillus thuringiensis* subsp. kurstaki, *Beauveria bassiana*, *Cydia pomonella Granulovirus* (CpGV), epoxiconazole, fenpyroximate, *Lecanicillium muscarium*, *Metarhizium anisopliae* var. Anisopliae, *Phlebiopsis gigantea*, *Pythium oligandrum*, *Streptomyces* K61, *Trichoderma asperellum*, *Trichoderma atroviride*, *Trichoderma gamsii*, *Trichoderma harzianum* and *Verticillium albo-atrum* will expire on 30 April 2019.

(5) Applications for the renewal of the approval of those substances were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ([4]).

(6) Due to the fact that the assessment of those substances has been delayed for reasons beyond the control of the applicants, the approval of those active substances are likely to expire before a decision on the renewal of the approval has been taken. It is therefore necessary to postpone the expiry of the approval periods.

(7) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where the Commission will adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission will set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission will adopt a Regulation providing for the renewal of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.

(8) Taking into account that the approval periods of the active substances benfluralin, fluazinam, flutolanil and mepiquat expire on 28 February 2019, this Regulation should enter into force as soon as possible.

(9) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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, 31 January 2019.

For the Commission
The President
Jean-Claude JUNCKER

([4]) Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(1) in the sixth column, expiration of approval, of row 74, Ziram, the date is replaced by '30 April 2020';

(2) in the sixth column, expiration of approval, of row 89, *Pseudomonas chlororaphis* strain: MA 342, the date is replaced by '30 April 2020';

(3) in the sixth column, expiration of approval, of row 90, Mepanipyrim, the date is replaced by '30 April 2020';

(4) in the sixth column, expiration of approval, of row 92, Thiacloprid, the date is replaced by '30 April 2020';

(5) in the sixth column, expiration of approval, of row 123, Clodinafop, the date is replaced by '30 April 2020';

(6) in the sixth column, expiration of approval, of row 124, Pirimicarb, the date is replaced by '30 April 2020';

(7) in the sixth column, expiration of approval, of row 125, Rimsulfuron, the date is replaced by '30 April 2020';

(8) in the sixth column, expiration of approval, of row 126, Tolclofos-methyl, the date is replaced by '30 April 2020';

(9) in the sixth column, expiration of approval, of row 127, Triticonazole, the date is replaced by '30 April 2020';

(10) in the sixth column, expiration of approval, of row 129, Clopyralid, the date is replaced by '30 April 2020';

(11) in the sixth column, expiration of approval, of row 130, Cyprodinil, the date is replaced by '30 April 2020';

(12) in the sixth column, expiration of approval, of row 131, Fosetyl, the date is replaced by '30 April 2020';

(13) in the sixth column, expiration of approval, of row 132, Trinexapac, the date is replaced by '30 April 2020';

(14) in the sixth column, expiration of approval, of row 133, Dichlorprop-P, the date is replaced by '30 April 2020';

(15) in the sixth column, expiration of approval, of row 134, Metconazole, the date is replaced by '30 April 2020';

(16) in the sixth column, expiration of approval, of row 135, Pyrimethanil, the date is replaced by '30 April 2020';

(17) in the sixth column, expiration of approval, of row 136, Triclopyr, the date is replaced by '30 April 2020';

(18) in the sixth column, expiration of approval, of row 137, Metrafenone, the date is replaced by '30 April 2020';

(19) in the sixth column, expiration of approval, of row 138, *Bacillus subtilis* (Cohn 1872) strain QST 713, the date is replaced by '30 April 2020';

(20) in the sixth column, expiration of approval, of row 139, Spinosad, the date is replaced by '30 April 2020';

(21) in the sixth column, expiration of approval, of row 187, Flutolanil, the date is replaced by '29 February 2020';

(22) in the sixth column, expiration of approval, of row 188, Benfluralin, the date is replaced by '29 February 2020';

(23) in the sixth column, expiration of approval, of row 189, Fluazinam, the date is replaced by '29 February 2020';

(24) in the sixth column, expiration of approval, of row 191, Mepiquat, the date is replaced by '29 February 2020';

(25) in the sixth column, expiration of approval, of row 193, *Bacillus thuringiensis subsp. Aizawai*, the date is replaced by '30 April 2020';

(26) in the sixth column, expiration of approval, of row 194, *Bacillus thuringiensis subsp. israeliensis*, the date is replaced by '30 April 2020';

(27) in the sixth column, expiration of approval, of row 195, *Bacillus thuringiensis subsp. kurstaki*, the date is replaced by '30 April 2020';

(28) in the sixth column, expiration of approval, of row 197, *Beauveria bassiana*, the date is replaced by '30 April 2020';

(29) in the sixth column, expiration of approval, of row 198, *Cydia pomonella Granulovirus* (CpGV), the date is replaced by '30 April 2020';

(30) in the sixth column, expiration of approval, of row 199, *Lecanicillium muscarium*, the date is replaced by '30 April 2020';

(31) in the sixth column, expiration of approval, of row 200, *Metarhizium anisopliae* var. Anisopliae, the date is replaced by '30 April 2020';

(32) in the sixth column, expiration of approval, of row 201, *Phlebiopsis gigantea*, the date is replaced by '30 April 2020';

(33) in the sixth column, expiration of approval, of row 202, *Pythium oligandrum*, the date is replaced by '30 April 2020';

(34) in the sixth column, expiration of approval, of row 203, *Streptomyces* K61, the date is replaced by '30 April 2020';

(35) in the sixth column, expiration of approval, of row 204, *Trichoderma atroviride*, the date is replaced by '30 April 2020';

(36) in the sixth column, expiration of approval, of row 206, *Trichoderma harzianum*, the date is replaced by '30 April 2020';

(37) in the sixth column, expiration of approval, of row 207, *Trichoderma asperellum*, the date is replaced by '30 April 2020';

(38) in the sixth column, expiration of approval, of row 208, *Trichoderma gamsii*, the date is replaced by '30 April 2020';

(39) in the sixth column, expiration of approval, of row 209, *Verticillium albo-atrum*, the date is replaced by '30 April 2020';

(40) in the sixth column, expiration of approval, of row 210, Abamectin, the date is replaced by '30 April 2020';

(41) in the sixth column, expiration of approval, of row 211, Epoxiconazole, the date is replaced by '30 April 2020';

(42) in the sixth column, expiration of approval, of row 213, Fenpyroximate, the date is replaced by '30 April 2020'.

DIRECTIVES

COMMISSION DELEGATED DIRECTIVE (EU) 2019/169

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in dielectric ceramic in certain capacitors

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.

(3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of lead in dielectric ceramic in capacitors for a rated voltage of 125 V AC or 250 V DC or higher was, however, exempted from the restriction and is currently listed in entry 7(c)-II of Annex III to that Directive. The expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.

(5) Discrete ceramic capacitors for a rated voltage of 125 V AC or 250 V DC or higher bear the capability of storing and releasing electric charges (electrostatic capacitance) and are incorporated into high voltage circuits in a wide variety of electrical and electronic equipment. They are used in all types of markets and applications, for example social infrastructure systems, industry automation, oil and mineral exploration, power conversion, high power supplies, telecommunication, and medical devices.

(6) The function of lead in the dielectric ceramic is to obtain high dielectric constant at high operating voltage, high energy storage capability (also at high temperatures), low leakage at high voltage and high temperatures, and low loss at high current, frequency, and temperatures.

(7) A substitution or elimination of lead is still scientifically and technically impracticable for certain ceramic capacitors due to the lack of reliable substitutes. The exemption does not weaken the environmental and health

([1]) OJ L 174, 1.7.2011, p. 88.

protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]). The exemption for the use of lead in dielectric ceramic in capacitors for a rated voltage of 125 V AC or 250 V DC or higher should therefore be renewed. For reasons of clarity, it should be added in Annex III to Directive 2011/65/EU that applications covered by entries 7(c)-I and 7(c)-IV are excluded from entry 7(c)-II.

(8) Since, for the applications concerned, no reliable alternatives are yet available on the market, the exemption for categories 1 to 7 and 10 should be renewed for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(9) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.

(10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

ANNEX

In Annex III, entry 7(c)-II is replaced by the following:

'7(c)-II	Lead in dielectric ceramic in capacitors for a rated voltage of 125 V AC or 250 V DC or higher	Does not apply to applications covered by point 7(c)-I and 7(c)-IV of this Annex. Expires on: — 21 July 2021 for categories 1-7 and 10; — 21 July 2021 for categories 8 and 9 other than in vitro diagnostic medical devices and industrial monitoring and control instruments; — 21 July 2023 for category 8 in vitro diagnostic medical devices; — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/170

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in PZT based dielectric ceramic materials for certain capacitors

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.

(3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of lead in PZT based dielectric ceramic materials for capacitors which are part of integrated circuits or discrete semiconductors was, however, exempted from the restriction and is currently listed in entry 7(c)-IV of Annex III to that Directive. The expiry date of that exemption was 21 July 2016.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.

(5) Ceramic capacitors which are part of integrated circuits or discrete semiconductors use dielectric ceramic materials based on PZT (lead-zirconium-titanate) ceramics. Lead containing PZT ceramics offer high piezoelectric effect, high dielectric constant, pyroelectric behaviour and ferroelectric properties.

(6) A complete substitution or elimination of lead in such capacitors is still scientifically and technically impracticable due to the lack of reliable substitutes. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]). The exemption for the use of lead in PZT based dielectric ceramic materials for capacitors which are part of integrated circuits or discrete semiconductors should therefore be renewed.

(7) Since, for the applications concerned, no reliable alternatives are available today or are likely to be available on the market in the near future, the exemption for categories 1 to 7 and 10 should be renewed for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(8) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.

(9) Directive 2011/65/EU should therefore be amended accordingly,

([1]) OJ L 174, 1.7.2011, p. 88.

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III, entry 7(c)-IV is replaced by the following:

'7(c)-IV	Lead in PZT based dielectric ceramic materials for capacitors which are part of integrated circuits or discrete semiconductors	Expires on: — 21 July 2021 for categories 1-7 and 10; — 21 July 2021 for categories 8 and 9 other than in vitro diagnostic medical devices and industrial monitoring and control instruments; — 21 July 2023 for category 8 in vitro diagnostic medical devices; — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/171

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for cadmium and its compounds in electrical contacts

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.

(3) Cadmium is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of cadmium and its compounds in electrical contacts was, however, exempted from the restriction and is currently listed in entry 8(b) of Annex III to that Directive. The expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.

(5) Electrical contact materials containing cadmium are used in many electromechanical devices as components which can carry current intermittently through contact surfaces. Devices concerned are in particular power switching of electric motors, relays and contactors, switches for power tools, appliance switches, circuit breakers for switching equipment, power packs, occupancy/time delay sensors, and lighting control panels.

(6) Cadmium in electrical contacts provides essential properties such as superior performance, arc-quenching, higher conductivity, less contact erosion and relatively easy manufacture compared to the alternatives.

(7) For certain applications covered by the current exemption, a substitution or elimination of cadmium is still scientifically and technically impracticable due to the lack of reliable substitutes or requires more time to ensure the reliability of the available substitutes. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]). It should therefore be renewed for those particular applications.

(8) For all other applications currently covered by the exemption, the conditions for renewal are not fulfilled. The exemption for those applications should continue to apply for 12 months after the date of entry into force of this Delegated Directive in accordance with Article 5(6) of Directive 2011/65/EU.

(9) Since, for the applications concerned by that renewal, no reliable alternatives are available on the market or more time is needed to ensure the reliability of such alternatives, the exemption for those applications should be renewed for categories 1 to 7 and 10 for the maximum duration validity period of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

([1]) OJ L 174, 1.7.2011, p. 88.

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

(10) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.

(11) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III to Directive 2011/65/EU, entry 8(b) is replaced by the following:

'8(b)	Cadmium and its compounds in electrical contacts	Applies to categories 8, 9 and 11 and expires on: — 21 July 2021 for categories 8 and 9 other than *in vitro* diagnostic medical devices and industrial monitoring and control instruments; — 21 July 2023 for category 8 *in vitro* diagnostic medical devices; — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.
8(b)-I	Cadmium and its compounds in electrical contacts used in: — circuit breakers, — thermal sensing controls, — thermal motor protectors (excluding hermetic thermal motor protectors), — AC switches rated at: — 6 A and more at 250 V AC and more, or — 12 A and more at 125 V AC and more, — DC switches rated at 20 A and more at 18 V DC and more, and — switches for use at voltage supply frequency ≥ 200 Hz.	Applies to categories 1 to 7 and 10 and expires on 21 July 2021.'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/172

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.

(3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages was, however, exempted from the restriction and is currently listed in entry 15 of Annex III to that Directive. The expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.

(5) Leaded solders are used in flip chip connections as bumps and solders for attaching the die to the chip carrier. The solders must be resistant to electromigration failure at the extremely high current densities required and able to create a solder hierarchy that allows staged assembly and rework of components in the manufacturing process. They must also have high ductility to reduce thermo-mechanical stress in under bump metallurgy structures, in particular in larger dies.

(6) For certain applications covered by the current exemption, a substitution or elimination of lead is still scientifically and technically impracticable due to the lack of reliable substitutes. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]). It should therefore be renewed for those particular applications.

(7) For all other applications currently covered by the exemption, the conditions for renewal are not fulfilled. The exemption for those applications should continue to apply for 12 months after the date of entry into force of this Delegated Directive in accordance with Article 5(6) of Directive 2011/65/EU.

(8) Since, for the applications concerned by that renewal, no reliable alternatives are available on the market, the exemption for those applications should be renewed for categories 1 to 7 and 10 for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

([1]) OJ L 174, 1.7.2011, p. 88.

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

(9) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.

(10) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III, entry 15 is replaced by the following:

'15	Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages	Applies to categories 8, 9 and 11 and expires on: — 21 July 2021 for categories 8 and 9 other than in vitro diagnostic medical devices and industrial monitoring and control instruments; — 21 July 2023 for category 8 in vitro diagnostic medical devices; — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.
15(a)	Lead in solders to complete a viable electrical connection between the semiconductor die and carrier within integrated circuit flip chip packages where at least one of the following criteria applies: — a semiconductor technology node of 90 nm or larger; — a single die of 300 mm^2 or larger in any semiconductor technology node; — stacked die packages with die of 300 mm^2 or larger, or silicon interposers of 300 mm^2 or larger.	Applies to categories 1 to 7 and 10 and expires on 21 July 2021.'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/173

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead and cadmium in printing inks for the application of enamels on glasses

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.

(3) Lead and cadmium are restricted substances listed in Annex II to Directive 2011/65/EU. The use of lead and cadmium in certain printing applications for glasses was, however, exempted from the restriction and is currently listed in entry 21 of Annex III to that Directive. The expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.

(5) Lead and cadmium in printing inks applied to glass provide a durable product marking, especially on the glass bulb of lamps. The marking serves several purposes such as European conformity (CE) and Waste Electrical and Electronic Equipment (WEEE) marking, identifying the producer and the lamp type and wattage, which is relevant for safety, correct lamp replacement and recycling. The durability of the marking is important to maintain the legibility of product markings throughout product-lifetime, as required by legislations and product safety standards.

(6) Lead provides essential properties such as good adhesion, lower enamelling temperatures, higher durability and opacity.

(7) Cadmium is used to achieve certain hues of the enamel in various application areas, including applications for safety and warning purposes where certain hues are considered to increase visibility. It also provides important filtering functions.

(8) A substitution or elimination of lead is still scientifically and technically impracticable for certain applications covered by the current exemption with regard to categories 1 to 7 and 10 due to the lack of reliable substitutes. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]). The exemption should therefore be renewed for those particular applications and categories.

(9) A substitution or elimination of cadmium is still scientifically and technically impracticable for certain applications covered by the current exemption with regard to categories 1 to 7 and 10 due to the lack of reliable substitutes. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006. The exemption should therefore be renewed for those particular applications and categories.

([1]) OJ L 174, 1.7.2011, p. 88.

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

(10) For all other applications currently covered by the exemption, the conditions for renewal are not fulfilled. The exemption for those applications should continue to apply for 12 months after the date of entry into force of this Delegated Directive in accordance with Article 5(6) of Directive 2011/65/EU.

(11) Since for the lead containing applications concerned by the renewal, no reliable alternatives are available on the market, the exemption for those applications should be renewed for categories 1 to 7 and 10 for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(12) Since for the cadmium containing applications concerned by the renewal, no reliable alternatives are available on the market, the exemption for those applications should be renewed for categories 1 to 7 and 10 for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(13) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.

(14) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III, entry 21 is replaced by the following:

'21	Lead and cadmium in printing inks for the application of enamels on glasses, such as borosilicate and soda lime glasses	Applies to categories 8, 9 and 11 and expires on: — 21 July 2021 for categories 8 and 9 other than in vitro diagnostic medical devices and industrial monitoring and control instruments; — 21 July 2023 for category 8 in vitro diagnostic medical devices; — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.
21(a)	Cadmium when used in colour printed glass to provide filtering functions, used as a component in lighting applications installed in displays and control panels of EEE	Applies to categories 1 to 7 and 10 except applications covered by entry 21(b) or entry 39 and expires on 21 July 2021.
21(b)	Cadmium in printing inks for the application of enamels on glasses, such as borosilicate and soda lime glasses	Applies to categories 1 to 7 and 10 except applications covered by entry 21(a) or 39 and expires on 21 July 2021.
21(c)	Lead in printing inks for the application of enamels on other than borosilicate glasses	Applies to categories 1 to 7 and 10 and expires on 21 July 2021.'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/174

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead bound in crystal glass as defined in Directive 69/493/EEC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.

(3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) to Council Directive 69/493/EEC ([2]) was, however, exempted from the restriction and is currently listed in entry 29 of Annex III to Directive 2011/65/EU. The expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.

(5) Lead oxides (PbO or Pb_3O_4) are used as an intermediate for the chemical synthesis of lead crystal glass (LCG). LCG is used in electrical and electronic equipment because its unique combinations of processing (cooling time, working range), optical (refractive index, dispersion) and decorative (Vicker's hardness) properties allows the manufacturing of electrical and electronic articles which could not be produced otherwise, such as specific luminaires and chandeliers, electrified mirrors, clocks and watches, digital photo frames and building materials (illuminated blocks).

(6) A substitution or elimination of lead in crystal glass is still scientifically and technically impracticable due to the lack of reliable substitutes. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([3]). The exemption for the use of lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) to Directive 69/493/EEC should therefore be renewed for categories 1 to 7 and 10.

(7) Since reliable alternatives for the applications concerned are not yet available on the market or are likely to be available on the market in the near future, the exemption for categories 1 to 7 and 10 should be renewed for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(8) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.

(9) Directive 2011/65/EU should therefore be amended accordingly,

([1]) OJ L 174, 1.7.2011, p. 88.
([2]) Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36).
([3]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III, entry 29 is replaced by the following:

'29	Lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) of Council Directive 69/493/EEC (*)	Expires on: — 21 July 2021 for categories 1-7 and 10; — 21 July 2021 for categories 8 and 9 other than in vitro diagnostic medical devices and industrial monitoring and ontrol instruments; — 21 July 2023 for category 8 in vitro diagnostic medical devices; — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.

(*) Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36).'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/175

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead oxide in seal frit used for making window assemblies for certain laser tubes

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.

(3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes was, however, exempted from the restriction and is currently listed in entry 32 of Annex III to that Directive. The expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.

(5) Lead-containing laser products are used as coherent light sources in a broad range of critical scientific and industrial applications, such as spectroscopy, microscopy and holography. Lead oxide-based material in Argon and Krypton laser products provides a critical thermo-mechanically stable and vacuum-tight seal between the optics and laser tube.

(6) A substitution or elimination of lead is still scientifically and technically impracticable for Argon and Krypton laser tubes due to the lack of reliable substitutes. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]). The exemption for the use of lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes should therefore be renewed for categories 1 to 7 and 10.

(7) Since, for the applications concerned, no reliable alternatives are available today or are likely to be available on the market in the near future, the exemption for categories 1 to 7 and 10 should be renewed for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(8) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.

(9) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

([1]) OJ L 174, 1.7.2011, p. 88.

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III, entry 32 is replaced by the following:

'32	Lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes	Expires on: — 21 July 2021 for categories 1-7 and 10, — 21 July 2021 for categories 8 and 9 other than *in vitro* diagnostic medical devices and industrial monitoring and control instruments, — 21 July 2023 for category 8 *in vitro* diagnostic medical devices, — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/176

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in the plating layer of certain diodes

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.

(3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of lead in the plating layer of high voltage diodes on the basis of a zinc borate glass body was, however, exempted from the restriction and is currently listed in entry 37 of Annex III to that Directive. The expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.

(5) High voltage diodes (HVD) are used in external power supplies of IT and telecommunication equipment and for automotive applications. During the manufacturing process of HVD, lead contained in the glass beads dissolves into the plating solution, which results in approximately 2,5 % of lead content in the plating layer of the diodes. Thus, the lead is not added intentionally but is the result of the contamination from the lead-containing glass.

(6) Avoiding the contamination of the plating layer of HVD is scientifically and technically impracticable and no reliable substitutes are available on the market. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]). The exemption for the use of lead in the plating layer of high voltage diodes on the basis of a zinc borate glass body should therefore be renewed for categories 1 to 7 and 10.

(7) Since eliminating lead by avoiding lead contamination for the applications concerned is still impracticable and no reliable substitutes are available on the market, the exemption for categories 1 to 7 and 10 should be renewed for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(8) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.

(9) Directive 2011/65/EU should therefore be amended accordingly,

([1]) OJ L 174, 1.7.2011, p. 88.

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III, entry 37 is replaced by the following:

'37	Lead in the plating layer of high voltage diodes on the basis of a zinc borate glass body	Expires on: — 21 July 2021 for categories 1-7 and 10; — 21 July 2021 for categories 8 and 9 other than in vitro diagnostic medical devices and industrial monitoring and control instruments; — 21 July 2023 for category 8 in vitro diagnostic medical devices; — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/177

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead as activator in the fluorescent powder of discharge lamps containing phosphors

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies are listed in Annex I to that Directive.

(3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of lead as activator in the fluorescent powder (1 % lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors such as BSP (BaSi2O5:Pb) was, however, exempted from the restriction and is as such currently listed in entry 18(b) of Annex III to that Directive. The original expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016, in accordance with the second subparagraph of Article 5(2) of that Directive.

(4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with the first subparagraph of Article 5(5) of Directive 2011/65/EU. That exemption remains valid until a decision on that application has been adopted, in accordance with the second subparagraph of that Article.

(5) Moreover, the Commission received in January 2015 a request no. 2015-3 for a new exemption to be added to Annex IV for discharge lamps when used as phototherapy lamps (medical equipment) containing phosphors. As the assessment showed that it is mechanically possible that a lamp intended for medical use can fit in tanning equipment and vice versa, it was decided to merge these exemption requests under the assessment of exemption under entry 18(b) in Annex III.

(6) Lead activator in the fluorescent powder is required to allow the barium silicate phosphor to fluoresce. It transforms the 254 nm radiation to the designed UV (290 nm-400 nm) radiation and it is used in over 95 % of the indoor low pressure mercury vapour fluorescent lamps in tanning and certain medical applications. It provides UV intensity at the wavelength of 350 nm that is crucial in order to initiate skin pigmentation.

(7) Tanning equipment is strictly regulated in the Union and any possible alternative to lead would have to fulfil criteria on reliability, safety and health risk concerns. Currently, there are no such alternatives available.

(8) Due to the lack of reliable substitutes, a substitution or elimination of lead is still scientifically and technically impracticable for certain discharge lamps containing phosphors. The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]) and thus does not weaken the environmental and health protection afforded by it. The exemption for the use of lead as activator in the fluorescent powder (1 % lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors should therefore be renewed.

([1]) OJ L 174, 1.7.2011, p. 88.

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

(9) Since, for the applications concerned, no reliable alternatives are yet available on the market, the exemption for categories 1 to 7 and 10 of Annex I to Directive 2011/65/EU should be renewed for the maximum validity period of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(10) For categories other than 1 to 7 and 10 of Annex I to Directive 2011/65/EU, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of legal clarity, the dates of expiry should be specified in Annex III to that Directive.

(11) In view of request no. 2015-3 and the fact that it is mechanically possible for a lamp intended for medical use to fit in tanning equipment and vice versa, a new sub-entry 18(b)-I should be added in Annex III to Directive 2011/65/EU specific to medical applications with the exception of those covered by entry 34 of Annex IV to Directive 2011/65/EU. This sub-entry should apply to categories 5 and 8 and be valid until 21 July 2021.

(12) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 29 February 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 March 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III, entry 18(b) is replaced by the following:

'18(b)	Lead as activator in the fluorescent powder (1 % lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors such as BSP (BaSi2O5:Pb)	Expires on: — 21 July 2021 for categories 1-7 and 10; — 21 July 2021 for categories 8 and 9 other than in vitro diagnostic medical devices and industrial monitoring and control instruments; — 21 July 2023 for category 8 in vitro diagnostic medical devices; — 21 July 2024 for category 9 industrial monitoring and control instruments, and for category 11.
18(b)-I	Lead as activator in the fluorescent powder (1 % lead by weight or less) of discharge lamps containing phosphors such as BSP (BaSi2O5:Pb) when used in medical phototherapy equipment	Applies to categories 5 and 8, excluding applications covered by entry 34 of Annex IV, and expires on 21 July 2021.'

COMMISSION DELEGATED DIRECTIVE (EU) 2019/178

of 16 November 2018

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in bearings and bushes applied in certain non-road professional use equipment

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([1]) and in particular Article 5(1)(a) thereof,

Whereas:

(1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.

(2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies are listed in Annex I to that Directive.

(3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The Commission received, in accordance with Article 5(3) of Directive 2011/65/EU, in July 2015 an application for granting an exemption for category 11, to be listed in Annex III, for use of lead in bearings and bushes of diesel or gaseous fuel powered internal combustion engines applied in non-road professional use equipment.

(4) Lead containing bearings and bushes are necessary to achieve satisfactory reliability in terms of seizure resistance, conformability, embedability and debris resistance in large size engines and those operating in harsh or demanding environments to be used in professional use non-road equipment, such as mobile air compressors, mobile welding equipment and mobile cranes.

(5) Currently, there are no lead-free alternatives available on the market which would provide sufficient level of reliability for application areas of professional use non-road equipment engines.

(6) Due to the lack of reliable substitutes, a substitution or elimination of lead is scientifically and technically impracticable for certain professional use non-road equipment engines. The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([2]) and thus does not weaken the environmental and health protection afforded by it. The exemption for the use of lead in bearings and bushes of certain diesel or gaseous fuel powered internal combustion engines applied in non-road professional use equipment should therefore be granted, adding a new entry 42 to Annex III to Directive 2011/65/EU. To avoid overlapping scopes of exemptions within Annex III and to ensure legal clarity, it should be added that applications covered by entry 6(c) of Annex III are excluded from the new entry 42 to Annex III to Directive 2011/65/EU.

(7) Since, for the applications concerned, no reliable alternatives are yet available on the market or are likely to be available on the market in the near future, the exemption for category 11 of Annex I to Directive 2011/65/EU should be granted for the maximum validity period of five years starting from 22 July 2019, which is the date that category 11 enters into the scope of Article 4(1) of Directive 2011/65/EU. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.

(8) Directive 2011/65/EU should therefore be amended accordingly,

([1]) OJ L 174, 1.7.2011, p. 88.

([2]) 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) and establishing a European Chemicals Agency (OJ L 396, 30.12.2006, p. 1).

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 21 July 2019 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 22 July 2019.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 November 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III, entry 42 is added:

'42	Lead in bearings and bushes of diesel or gaseous fuel powered internal combustion engines applied in non-road professional use equipment: — with engine total displacement ≥ 15 litres; or — with engine total displacement < 15 litres and the engine is designed to operate in applications where the time between signal to start and full load is required to be less than 10 seconds; or regular maintenance is typically performed in a harsh and dirty outdoor environment, such as mining, construction, and agriculture applications.	Applies to category 11, excluding applications covered by entry 6(c) of this Annex. Expires on 21 July 2024.'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2018 OF THE TRADE COMMITTEE

of 13 December 2018

modifying Appendix 1 to Annex XIII to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Ecuador and Peru, of the other part [2019/179]

THE TRADE COMMITTEE,

Having regard to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Ecuador and Peru, of the other part, and in particular Article 13(1)(d) thereof,

Whereas:

(1) On 11 February 2014 Colombia submitted to the Union its request to add new geographical indications to Appendix 1 to Annex XIII to the Agreement pursuant to Article 209 of the Agreement. The Union has completed the objection procedure and the examination of nine new geographical indications of Colombia.

(2) On 5 October 2018, pursuant to Article 257(2) of the Agreement, the Sub-Committee on Intellectual Property, in a session between the EU Party and Colombia, assessed the information in relation to the nine new geographical indications of Colombia and proposed to the Trade Committee to modify Appendix 1 to Annex XIII to the Agreement accordingly.

(3) Appendix 1 to Annex XIII to the Agreement should therefore be modified.

(4) The decision to modify Appendix 1 to Annex XIII to the Agreement may be adopted in a session of the Trade Committee between the Union Party and Colombia, pursuant to Article 14(3) of the Trade Agreement, as it relates exclusively to the bilateral relationship between them and does not affect the rights and obligations of another signatory Andean Country,

HAS DECIDED AS FOLLOWS:

Article 1

In the table under point (a) 'Geographical Indications of Colombia for agricultural and foodstuff products, wines, spirit drinks and aromatised wines' in Appendix 1 to Annex XIII to the Agreement, the entries in the Annex to this Decision are added.

Article 2

This Decision, done in duplicate, shall be signed by representatives of the Trade Committee who are authorised to act on behalf of the Parties for purposes of modifying the Agreement. This Decision shall be effective from the date of the later of these signatures.

This Decision shall enter into force on the day of its adoption.

Done at Quito, Ecuador, 13 December 2018.

For the Trade Committee

Head of EU delegation	*Head of Colombia's delegation*
Matthias JØRGENSEN	Juan Carlos CADENA

ANNEX

Café de Nariño	Coffee
Café de Cauca	Coffee
Café del Huila	Coffee
Bizcocho de Achira del Huila	Bread, pastry, cakes, confectionery, biscuits and other baker's wares
Queso Paipa	Cheese
Queso del Caquetá	Cheese
Clavel de Colombia	Flowers and ornamental plants
Rosa de Colombia	Flowers and ornamental plants
Crisantemo de Colombia	Flowers and ornamental plants

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