

ANNEX XVII TO REACH – Conditions of restriction

Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles

Entry 63
Lead CAS No 7439-92-1 EC No 231-100-4 and its compound
Conditions of restriction
<p>1. Shall not be placed on the market or used in any individual part of jewellery articles if the concentration of lead (expressed as metal) in such a part is equal to or greater than 0,05 % by weight.</p> <p>2. For the purposes of paragraph 1:</p> <p>(i) 'jewellery articles' shall include jewellery and imitation jewellery articles and hair accessories, including:</p> <ul style="list-style-type: none">(a) bracelets, necklaces and rings;(b) piercing jewellery;(c) wrist watches and wrist-wear;(d) brooches and cufflinks; <p>(ii) 'any individual part' shall include the materials from which the jewellery is made, as well as the individual components of the jewellery articles.</p> <p>3. Paragraph 1 shall also apply to individual parts when placed on the market or used for jewellery-making.</p> <p>4. By way of derogation, paragraph 1 shall not apply to:</p> <ul style="list-style-type: none">(a) crystal glass as defined in Annex I (categories 1, 2, 3 and 4) to Council Directive 69/493/EEC (*);(b) internal components of watch timepieces inaccessible to consumers;(c) non-synthetic or reconstructed precious and semiprecious stones (CN code 7103, as established by Regulation (EEC) No 2658/87), unless they have been treated with lead or its compounds or mixtures containing these substances;(d) enamels, defined as vitrifiable mixtures resulting from the fusion, vitrification or sintering of minerals melted at a temperature of at least 500 °C. <p>5. By way of derogation, paragraph 1 shall not apply to jewellery articles placed on the market for the first time before 9 October 2013 and jewellery articles produced before 10 December 1961.</p>

6. By 9 October 2017, the Commission shall re-evaluate this entry in the light of new scientific information, including the availability of alternatives and the migration of lead from the articles referred to in paragraph 1 and, if appropriate, modify this entry accordingly.

7. Shall not be placed on the market or used in articles supplied to the general public, if the concentration of lead (expressed as metal) in those articles or accessible parts thereof is equal to or greater than 0,05 % by weight, and those articles or accessible parts thereof may, during normal or reasonably foreseeable conditions of use, be placed in the mouth by children.

That limit shall not apply where it can be demonstrated that the rate of lead release from such an article or any such accessible part of an article, whether coated or uncoated, does not exceed 0,05 µg/cm² per hour (equivalent to 0,05 µg/g/h), and, for coated articles, that the coating is sufficient to ensure that this release rate is not exceeded for a period of at least two years of normal or reasonably foreseeable conditions of use of the article.

For the purposes of this paragraph, it is considered that an article or accessible part of an article may be placed in the mouth by children if it is smaller than 5 cm in one dimension or has a detachable or protruding part of that size.

8. By way of derogation, paragraph 7 shall not apply to:

- (a) jewellery articles covered by paragraph 1;
- (b) crystal glass as defined in Annex I (categories 1, 2, 3 and 4) to Directive 69/493/EEC;
- (c) non-synthetic or reconstructed precious and semi-precious stones (CN code 7103 as established by Regulation (EEC) No 2658/ 87) unless they have been treated with lead or its compounds or mixtures containing these substances;
- (d) enamels, defined as vitrifiable mixtures resulting from the fusion, vitrification or sintering of mineral melted at a temperature of at least 500 ° C;
- (e) keys and locks, including padlocks;
- (f) musical instruments;
- (g) articles and parts of articles comprising brass alloys, if the concentration of lead (expressed as metal) in the brass alloy does not exceed 0,5 % by weight;
- (h) the tips of writing instruments;
- (i) religious articles;
- (j) portable zinc-carbon batteries and button cell batteries;
- (k) articles within the scope of:
 - (i) Directive 94/62/EC;
 - (ii) Regulation (EC) No 1935/2004;
 - (iii) Directive 2009/48/EC of the European Parliament and of the Council (**);
 - (iv) Directive 2011/65/EU of the European Parliament and of the Council (***)

9. By 1 July 2019, the Commission shall re-evaluate paragraphs 7 and 8(e), (f), (i) and (j) of this entry in the light of new scientific information, including the availability of alternatives and the migration of lead from the articles referred to in paragraph 7, including the requirement on coating integrity, and, if appropriate, modify this entry accordingly.

10. By way of derogation paragraph 7 shall not apply to articles placed on the market for the first time before 1 June 2016.

11. Doing either of the following acts after 15 February 2023 in or within 100 metres of wetlands is prohibited:

- (a) discharging gunshot containing a concentration of lead (expressed as metal) equal to or greater than 1 % by weight;
- (b) carrying any such gunshot where this occurs while out wetland shooting or as part of going wetland shooting.

For the purposes of the first subparagraph:

- (a) "within 100 metres of wetlands" means within 100 metres outward from any outer boundary point of a wetland;
- (b) "wetland shooting" means shooting in or within 100 metres of wetlands;
- (c) if a person is found carrying gunshot in or within 100 metres of wetlands while out shooting or as part of going shooting, the shooting concerned shall be presumed to be wetland shooting unless that person can demonstrate that it was some other type of shooting.

The restriction laid down in the first subparagraph shall not apply in a Member State if that Member State notifies the Commission in accordance with paragraph 12 that it intends to make use of the option granted by that paragraph.

12. If at least 20 % in total of the territory, excluding the territorial waters, of a Member State are wetlands, that Member State may, in place of the restriction laid down in the first subparagraph of paragraph 11, prohibit the following acts throughout the whole of its territory from 15 February 2024:

- (a) the placing on the market of gunshot containing a concentration of lead (expressed as metal) equal to or greater than 1 % by weight;
- (b) the discharging of any such gunshot;
- (c) carrying any such gunshot while out shooting or as part of going shooting.

Any Member State intending to make use of the option granted by the first subparagraph shall notify the Commission of this intention by 15 August 2021. The Member State shall communicate the text of the national measures adopted by it to the Commission without delay and in any event by 15 August 2023. The Commission shall make publicly available without delay any such notices of intention and texts of national measures received by it.

13. For the purposes of paragraphs 11 and 12:

- (a) "wetlands" means areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed 6 metres;
- (b) "gunshot" means pellets used or intended for use in a single charge or cartridge in a shotgun;
- (c) "shotgun" means a smooth-bore gun, excluding airguns;
- (d) "shooting" means any shooting with a shotgun;

(e) "carrying" means any carrying on the person or carrying or transporting by any other means;

(f) in determining whether a person found with gunshot is carrying gunshot "as part of going shooting":

(i) regard shall be had to all the circumstances of the case;

(ii) the person found with the gunshot need not necessarily be the same person as the person shooting.

14. Member States may maintain national provisions for protection of the environment or human health in force on 15 February 2021 and restricting lead in gunshot more severely than provided for in paragraph 11.

The Member State shall communicate the text of those national provisions to the Commission without delay. The Commission shall make publicly available without delay any such texts of national provisions received by it.

(*) OJ L 326, 29.12.1969, p. 36.

(**) Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

(***) 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 (OJ L 174, 1.7.2011, p. 88).