01/07/2015

Comments and references to responses on ECHA's 6th Draft Recommendation for Tetralead trioxide sulphate (EC number: 235-380-9)

The present document compiles the comments received during the public consultation on the draft 6th recommendation for inclusion of substances in Annex XIV of REACH for Tetralead trioxide sulphate (EC number: 235-380-9). The public consultation took place between 1 September and 1 December 2014. Some of the comments submitted contained additional attachment(s), accessible at http://echa.europa.eu/documents/10162/13640/6th_rec_comref_attachments_tetralead_trioxide_sulphate_en.zip. Those comments are indicated accordingly in the table below.

For each of the comments there is also a reference to specific section(s) of a document containing the responses to comments ("Response document", available at http://echa.europa.eu/documents/10162/13640/6th_axiv_rec_response_doc_lead_substances_en.pdf). The responses in the Response document are arranged by thematic block and level of information (see more detailed explanations at the beginning of that document).

PUBLIC VERSION

CONTENT

I - General comments on the recommendation to include the substance in Annex XIV 1

II - Transitional arrangements. Comments on the proposed dates.....11

III - Comments on uses that should be exempted from authorisation, including reasons for that 14

I - General comments on the recommendation to include the substance in Annex XIV

Number / Date	Submitted by (name, submitter type, country)	Comment	Reference to responses
2514 2014/10/23	REHAU AG + Co., Company, Germany	This substance was very often used as a stabiliser for PVC in the past. Even if this use will disappear end of 2015 very much post consumer recyclates will contain lead. Especially recycled material (rigid PVC) from old windows. It is impossible to find out, whether the lead in the recycled material ist linked to this substance or to other lead containing substances. Nobody will ask for an authorisation for this substance as part	**A.2.22. Reconsider inclusion in Annex XIV because of the impact on the recycling of PVC**

		of recycled rigid PVC. If an authorisation will be necessary for recycled PVC-material this would be the end of post-consumer-recycling for PVC-windows and for PVC-pipes.	**materials**
2545 2014/11/17	Berzelius Metall GmbH, Company, Germany	We support the comments submitted in this section by the International Lead Association on behalf of the Pb REACH Consortium	See responses referred to in comment #2607 in this section.
2569 2014/11/21	Germany, Member State	We still have doubts about the proportionality and the regulatory effectiveness of inclusion of further lead substances into Annex XIV. Lead substances are already highly regulated in various legislative acts (e.g. Battery Directive (2006/66/EG), End of Life Vehicle Directive (2000/53/EC), RoHS Directive (2011/65/EU)). Further regulation of lead compounds by listing them in Annex XIV should be reflected in the light of climate protection efforts in Germany: promotion of batteries for storing renewable energy. Additionally, for the use of lead compounds as stabiliser in PVC industry has started a self-commitment to phase out the use of lead compounds completely until 2015. Therefore, the outcome of the self-commitment should be awaited before initiating further risk management measures. A high number of authorisation applications for the lead compounds can be expected due to the high volumes and the use spectrum of the substances. Authorisation could therefore lead to a high workload for these highly regulated substances. Regarding this we request ECHA to further analyse the benefits of prioritising these already highly regulated lead substances for Annex XIV inclusion at the current stage. Based on the results of this analysis the best way forward for should be discussed.	**A.2.16. Ask ECHA to assess/ Question the regulatory effectiveness of inclusion of lead substances in AXIV and stresses the high workload for authorities related to these substances at AfA stage**
2599 2014/11/24	Allgemeine Unfallversicherungsanstalt, National Authority, Austria	Tetralead trioxide sulphate shalle be included to Annex XIV. 2599_Pb.docx	Thank you for your comment.
2607 2014/11/24	Pb REACH Consortium managed by the International Lead Association-Europe,	The response to this question has been provided by the Pb REACH Consortium uploaded in section IV of this public consultation. 2607_ECHA public consultation instructions tetralead trioxide sulphate241114.pdf	**A.2.4. Ask ECHA to reconsider the priority scoring for tetralead**

	Industry or trade association, United Kingdom		**trioxide sulphate / Lower WDU score proposed** **A.2.8. Claim the use in the production of batteries as intermediate** **A.2.18. Ask ECHA to consider the fact that the use of lead-stabilisers in PVC is currently being phased-out** **B.1.1. General principles for setting latest application dates / sunset dates:** 3. ECHA's proposal for latest application dates **B.1.2. Aspects not considered by ECHA when proposing latest application dates/sunset dates:** 1. Extensive time needed in the supply chain to getting organised for preparing application (e.g. due to high number of users)

2628 2014/11/25	EUROBAT, Industry or trade association, Belgium	The Lead REACH Consortium has submitted comments in response to this section and EUROBAT supports their response. 2628_EUROBAT and Lead REACH consortium - Exemption Request document - final 251114.pdf	**A.2.8. Claim the use in the production of batteries as intermediate** **C.2.1. Requests for Art. 58(2) exemptions** See also responses referred to in comment #2607 in this section.
2726 2014/11/27	Exide Technologies, Company, Germany	The Pb REACH Consortium has submitted comments in response to this section and Exide Technologies supports their response.	See responses referred to in comment #2607 in this section.
2735 2014/11/27	WirtschaftsVereinigung Metalle, Industry or trade association, Germany	WirtschaftsVereinigung Metalle (WVM), the German Non-Ferrous Metals' Association, represents the German non ferrous (NF) metals industry towards politics and economy. We support our members in regulatory, occupational health & safety affairs in order to maintain and establish measures at a very high level. Today, WVM has 660 member companies, including producers and users of lead compounds. In principle, we appreciate the involvement of stakeholders in the process of including substances in Annex XIV of REACH and would like to take the opportunity to bring our argumentation forward during this phase of internet consultation. We want to express the companies' awareness of their duties in safe handling hazardous substances and in establishing appropriate risk management measures. Industry also takes full responsibility to fulfil their obligations under the relevant Community and national legislation. Furthermore we support the comments submitted in this section by the International Lead Association on behalf of the Pb REACH Consortium.	See responses referred to in comment #2607 in this section.

2786 2014/11/28	WKÖ, Other contributor, Austria	See PDF attached. 2786_su_86_WKÖ Bleiverbindungen.pdf	**A.2.16. Ask ECHA to assess/ Question the regulatory effectiveness of inclusion of lead substances in AXIV** **A.2.8. Claim the use in the production of batteries as intermediate** **C.1.1. General principles for exemptions under Art. 58(2)** **C.2.1. Requests for Article 58(2) exemptions** **A.2.17. RMOA conducted by one MS concluded that no further regulatory actions is needed (before 2015)**
2833 2014/11/28	Norway, Member State	In general, the Norwegian REACH CA supports measures that will reduce the use and emission of lead and lead compounds. We do also support grouping of lead substances to avoid substitution with substances with similar properties within the same use categories. We support that on the basis of the prioritisation criteria and grouping	Thank you for your comment.

		considerations, tetralead trioxide sulphate should be prioritised for inclusion in Annex XIV.	
2865 2014/11/28	Individual, Germany	The Pb REACH Consortium has submitted comments in response to this section and HOPPECKE supports this response.	See responses referred to in comment #2607 in this section.
2899 2014/11/30	Johnson Controls Autobatterie GmbH & Co. KGaA, Company, Germany	The Pb REACH Consortium has submitted comments in response to this section and Johnson Controls Autobatterie GmbH & Co. KGaA based in Hannover, Germany, supports their response.	See responses referred to in comment #2607 in this section.
2904 2014/11/30	Johnson Controls Autobaterie spol. s r.o., Company, Czech Republic	The Pb REACH Consortium has submitted comments in response to this section and Johnson Controls Autobaterie spol. s r.o. based in Ceská Lípa, Czech Republic, supports their response.	See responses referred to in comment #2607 in this section.
2910 2014/11/30	Johnson Controls Autobaterías, S.A , Company, Spain	The Pb REACH Consortium has submitted comments in response to this section and Johnson Controls Autobaterías, S.A based in Madrid, which operates two battery production sites in Burgos and Guardamar del Segura (Alicante), Spain, supports their response.	See responses referred to in comment #2607 in this section.
2915 2014/11/30	Johnson Controls Sachsen-Batterien GmbH & Co. KG , Company, Germany	The Pb REACH Consortium has submitted comments in response to this section and Johnson Controls Sachsen-Batterien GmbH & Co. KG based in Zwickau, Germany, supports their response.	See responses referred to in comment #2607 in this section.
2917 2014/11/30	Johnson Controls Recycling GmbH, Company, Germany	The Pb REACH Consortium has submitted comments in response to this section and Johnson Controls Recycling GmbH based in Buchholz, Germany, supports their response.	See responses referred to in comment #2607 in this section.
2980 2014/12/01	ACEA, Industry or trade association, Belgium	The Pb REACH Consortium has submitted comments in response to this section and ACEA supports their response. 2980_20141201 ACEA Comments Authorisation Lead compounds.pdf	**A.1.5. Aspects not considered in ECHA's prioritisation:** 2. Aim & proportionality of authorisation system - Authorisation is not a ban 3. Use specific scrutiny

			foreseen at application stage 5. Availability of suitable alternatives 6. Socio-economic benefits of continued use 7. Burden for industry and potential competitive disadvantage **A.2.8. Claim the use in the production of batteries as intermediate** **A.2.12. Claim the use in the manufacture of technical ceramic materials as intermediate** **A.2.19. Predictability of including substances in Annex XIV** **A.2.24. Raising the need to use a certain substance in past model parts and/or in low volumes** **B.1.1. General**

			principles for setting latest application dates / sunset dates: 3. ECHA's proposal for latest application dates **B.1.2. Aspects not considered by ECHA when proposing latest application dates/sunset dates:** 1. Extensive time needed in the supply chain to getting organised for preparing application (e.g. due to high number of users) 2. Lack of alternatives, socio-economic aspects **C.1.1. General principles for exemptions under Art. 58(2)** **C.1.3. Aspects not justifying an exemption from authorisation** **C.2.1. Requests for Art. 58(2) exemptions**. See also responses referred to in comment #2607 in this section.

2984 2014/12/01	Individual, Italy	The Pb REACH Consortium has submitted comments in response to this section and FIAMM SPA supports their response.	See responses referred to in comment #2607 in this section.
2989 2014/12/01	ELSA (ESPA), Industry or trade association, Belgium	The use of lead-based stabilisers (including the above mentioned substance) for the production of articles made in PVC is subject to a voluntary phase out from the EU-28 that will be completed by end of 2015. See www.vinylplus.eu. As such Authorization for the placing of the a.m. substance on the EU market will become without object after this date. However the a.m. substance may still be present as so-called "legacy additives" in recycled PVC made from articles produced before completion of the phase-out. In the current regulatory framework, recycling of plastics containing legacy substances included in the Authorization list implies to have those substances Authorized. Considering the huge socio-economic impact that this would have (see further down) ELSA wishes to highlight that the a.m. substance should be exempted from Authorisation on the basis of Reach Art. 58.2 , as developed in the request hereunder. The issue and impact of Authorization for recycled PVC is detailed in the comments submitted by VinylPlus to the EU COM Public Consultation, comments that we support. They are attached as a separate file: < Lead substances proposed for authorisation comments-VinylPlus 20141114.pdf> Appendix ELSA, the European Lead Stabilisers Association, is a sub-Association of ESPA, the European Stabilisers Producers Association www.stabilisers.eu ELSA is an associated member of ILA Europe, the International Lead Association – Europe The following companies are members of ELSA: ASUA (Spain) Baerlocher (Germany) Chemson Polymer Additives (Austria) IKA (Germany)	**A.2.18. Ask ECHA to consider the fact that the use of lead-stabilisers in PVC is currently being phased-out** **A.2.22. Reconsider inclusion in Annex XIV because of the impact on the recycling of PVC materials** **A.1.5. Aspects not considered in ECHA's prioritisation:** 2. Aim & proportionality of authorisation system - Authorisation is not a ban 7. Burden for industry and potential competitive disadvantage **C.1.1. General principles for exemptions under Art. 58(2)** **C.1.3. Aspects not**

		Reagens (Italy) 2989_Lead substances proposed for authorisation comments-VinylPlus 20141114.pdf	**justifying an exemption from authorisation** **C.2.1. Requests for Art. 58(2) exemptions**
2996 2014/12/01	ZVEI, Industry or trade association, Germany	The Pb REACH Consortium has submitted comments in response to this section and the ZVEI supports their response. The 'ZVEI - German Electrical and Electronic Manufacturers' Association' promotes the industry's joint economic, technological and environmental policy interests on a national, European and global level. The ZVEI represents more than 1,600 companies, mostly SMEs. The sector has 838,000 employees in Germany plus 692,000 employees all over the world. In 2013 the turnover was approximately €167 billion. More than 20 percent of all industrial R+D spending comes from this industry. The German battery industry is a central building block for the manufacturing and research location Germany, delivering key technologies for the future. It develops reliable and powerful storage systems for a wide range of industry sectors, e.g. the electrical industry, engineering, automobile industry, medical engineering and the energy sector. The German battery industry employs over 8,000 workers and has an annual turnover of €1.8 billion.	See responses referred to in comment #2607 in this section.
2999 2014/12/01	ELSA (ESPA), Industry or trade association, Belgium	The use of lead-based stabilisers (including the above mentioned substance) for the production of articles made in PVC is subject to a voluntary phase out from the EU-28 that will be completed by end of 2015. See www.vinylplus.eu. As such Authorization for the placing of the a.m. substance on the EU market will become without object after this date. However the a.m. substance may still be present as so-called "legacy additives" in recycled PVC made from articles produced before completion of the phase-out. In the current regulatory framework, recycling of plastics containing legacy substances included in the Authorization list implies to have those substances Authorized. Considering the huge socio-economic impact that this would have (see further down) ELSA wishes to highlight that the a.m. substance should be exempted from Authorisation on the basis of Reach Art. 58.2 , as developed in the	See responses referred to in comment #2989 in this section.

		request hereunder. The issue and impact of Authorization for recycled PVC is detailed in the comments submitted by VinylPlus to the EU COM Public Consultation, comments that we support. They are attached as a separate file: Lead substances proposed for authorisation comments-VinylPlus 20141114.pdf Appendix ELSA, the European Lead Stabilisers Association, is a sub-Association of ESPA, the European Stabilisers Producers Association www.stabilisers.eu ELSA is an associated member of ILA Europe, the International Lead Association – Europe The following companies are members of ELSA: ASUA (Spain) Baerlocher (Germany) Chemson Polymer Additives (Austria) IKA (Germany) Reagens (Italy) 2999_Lead substances proposed for authorisation comments-VinylPlus 20141114.pdf	

II - Transitional arrangements. Comments on the proposed dates

Number / Date	Submitted by (name, submitter type, country)	Comment	Reference to responses
2514 2014/10/23	REHAU AG + Co., Company, Germany	The end of the use of the virgin substance as a stabilizer for PVC will be end of 2015. So no further comment is necessary to dates for the use of virgin materials. Exemptions for the use of recycled materials containing the substance should last at least to 2030.	**A.1.5. Aspects not considered in ECHA's prioritisation:** 2. Aim & proportionality of authorisation system - Authorisation is not a ban **A.2.22. Reconsider**

			inclusion in Annex XIV because of the impact on the recycling of PVC materials
2599 2014/11/24	Allgemeine Unfallversicherungsanstalt, National Authority, Austria	 2599_Pb.docx	See responses referred to in comment #2599 in section I.
2607 2014/11/24	Pb REACH Consortium managed by the International Lead Association-Europe, Industry or trade association, United Kingdom	The response to this question has been provided by the Pb REACH Consortium uploaded in section IV of this public consultation. 2607_ECHA public consultation instructions tetralead trioxide sulphate241114.pdf	See responses referred to in comment #2607 in section I.
2628 2014/11/25	EUROBAT, Industry or trade association, Belgium	The Lead REACH Consortium has submitted comments in response to this section and EUROBAT supports their response. 2628_EUROBAT and Lead REACH consortium - Exemption Request document - final 251114.pdf	See responses referred to in comments #2607 and #2628 in section I.
2726 2014/11/27	Exide Technologies, Company, Germany	The Pb REACH Consortium has submitted comments in response to this section and Exide Technologies supports their response. In addition, as a battery producer we believe in good reason to get an exemption for this substance from a potential authorization requirement (please refer to the next comment). 	See responses referred to in comment #2607 in section I.
2735 2014/11/27	WirtschaftsVereinigung Metalle, Industry or trade association, Germany	Also in this respect WVM supports the arguments brought forward. 	See responses referred to in comment #2607 in section I..
2786 2014/11/28	WKÖ, Other contributor, Austria	See PDF attached. 2786_su_86_WKÖ Bleiverbindungen.pdf	See responses referred to in comment #2786 in section I.
2833 2014/11/28	Norway, Member State	In general, we are in favour that a regulation should enter into force as soon as possible. Hence we are in favour of the shortest LAD slot.	Thank you for your comment.

2865 2014/11/28	Individual, Germany	The Pb REACH Consortium has submitted comments in response to this section and HOPPECKE has supports their response. In additional, as a battery producer we believe in good reason to get an exemption for this substance from a potential authorization requirement (Please see next section)	See responses referred to in comments #2607 and #2628 in section I.
2899 2014/11/30	Johnson Controls Autobatterie GmbH & Co. KGaA, Company, Germany	The Pb REACH Consortium has submitted comments to this section. Johnson Controls Autobatterie GmbH & Co. KGaA based in Hannover, Germany, supports their response. In addition as battery producer we believe in good reason to get an exemption for this substance from a potential authorization requirement (please refer to the next comment).	See responses referred to in comments #2607 and #2628 in section I.
2904 2014/11/30	Johnson Controls Autobaterie spol. s r.o., Company, Czech Republic	The Pb REACH Consortium has submitted comments to this section. Johnson Controls Autobaterie spol. s r.o. based in Ceská Lípa, Czech Republic, supports their response. In addition as battery producer we believe in good reason to get an exemption for this substance from a potential authorization requirement (please refer to the next comment).	See responses referred to in comments #2607 and #2628 in section I.
2910 2014/11/30	Johnson Controls Autobaterías, S.A , Company, Spain	The Pb REACH Consortium has submitted comments to this section. Johnson Controls Autobaterías, S.A based in Madrid, which operates two battery production sites in Burgos and Guardamar del Segura (Alicante), Spain, supports their response. In addition as battery producer we believe in good reason to get an exemption for this substance from a potential authorization requirement (please refer to the next comment).	See responses referred to in comments #2607 and #2628 in section I..
2915 2014/11/30	Johnson Controls Sachsen-Batterien GmbH & Co. KG , Company, Germany	The Pb REACH Consortium has submitted comments to this section. Johnson Controls Sachsen-Batterien GmbH & Co. KG based in Zwickau, Germany, supports their response. In addition as battery producer we believe in good reason to get an exemption for this substance from a potential authorization requirement (please refer to the next comment).	See responses referred to in comments #2607 and #2628 in section I.
2917 2014/11/30	Johnson Controls Recycling GmbH, Company, Germany	The Pb REACH Consortium has submitted comments to this section. Johnson Controls Recycling GmbH based in Buchholz, Germany, supports their response. In addition we believe in good reason that an exemption for this substance from a potential authorization requirement should be given (please refer to the next comment).	See responses referred to in comments #2607 and #2628 in section I.

2980 2014/12/01	ACEA, Industry or trade association, Belgium	The Pb REACH Consortium has submitted comments in response to this section and ACEA supports their response. 2980_20141201 ACEA Comments Authorisation Lead compounds.pdf	See responses referred to in comments #2607 and #2980 in section I.
2984 2014/12/01	Individual, Italy	The Pb REACH Consortium has submitted comments in response to this section and FIAMM SPA supports their response. In addition, as a battery producer we believe in good reason to get an exemption for this substance from a potential authorization requirement (please refer to the next comment).	See responses referred to in comments #2607 and #2628 in section I.
2989 2014/12/01	ELSA (ESPA), Industry or trade association, Belgium	2989_Lead substances proposed for authorisation comments-VinylPlus 20141114.pdf	See responses referred to in comment #2989 in section I.
2999 2014/12/01	ELSA (ESPA), Industry or trade association, Belgium	2999_Lead substances proposed for authorisation comments-VinylPlus 20141114.pdf	See responses referred to in comment #2989 in section I.

III - Comments on uses that should be exempted from authorisation, including reasons for that

Number / Date	Submitted by (name, submitter type, country)	Comment	Reference to responses
2514 2014/10/23	REHAU AG + Co., Company, Germany	Use of the substance contained in recycling material should be exempted, because this substance cannot be identified within all other lead containing substances and because the substance is included and trapped within the matrix of PVC. In this case no hazard is aligned with the use of such a recycled material for the production o pipes or window profiles. Of course it is not necessary to add new quantities of this substance to the recycled material.	**C.1.1. General principles for exemptions under Art. 58(2)** **C.1.3. Aspects not justifying an exemption from authorisation** **A.2.22. Reconsider inclusion in Annex XIV because of the impact**

			on the recycling of PVC materials
2599 2014/11/24	Allgemeine Unfallversicherungsanstalt, National Authority, Austria		See responses referred to in comment #2599 in section I.
		2599_Pb.docx	
2607 2014/11/24	Pb REACH Consortium managed by the International Lead Association-Europe, Industry or trade association, United Kingdom	A joint Pb REACH Consortium exemption argument for battery use compiled by ILA/Pb REACH Consortium will be submitted by Eurobat.	See responses referred to in comments #2607 and #2628 in section I.
		2607_ECHA public consultation instructions tetralead trioxide sulphate241114.pdf	
2628 2014/11/25	EUROBAT, Industry or trade association, Belgium	EUROBAT has attached in section IV a joint response by EUROBAT and the Lead REACH Consortium requesting the exemption of tetralead trioxide sulphate from the authorisation requirement for the industrial use of this substance in the manufacture of lead-based batteries.	See responses referred to in comment #2628 in section I.
		2628_EUROBAT and Lead REACH consortium - Exemption Request document - final 251114.pdf	
2726 2014/11/27	Exide Technologies, Company, Germany	Exide Technologies supports the joint EUROBAT and the Pb REACH Consortium document submitted by Eurobat requesting an exemption of the use of lead monoxide, lead tetroxide, pentalead tetraoxide sulphate and tetralead trioxide sulphate in lead-based battery production from the authorization requirements for two reasons: 1. These substances are used as intermediates (in the meaning of Article 3(15) REACH) in the manufacture of lead-based batteries; and 2. The use of these substances in the manufacture of lead -based batteries would in any case meet the conditions for an exemption under Article 58(2) REACH	See responses referred to in comments #2607 and #2628 in section I.
2735 2014/11/27	WirtschaftsVereinigung Metalle, Industry or trade association,	Also in this respect WVM supports the arguments brought forward.	See responses referred to in comment #2607 in section I.

	Germany		
2786 2014/11/28	WKÖ, Other contributor, Austria	See PDF attached.	See responses referred to in comment #2786 in section I.
		2786_su_86_WKÖ Bleiverbindungen.pdf	
2833 2014/11/28	Norway, Member State	Norway does not support that any exemptions from the authorisation requirement should be proposed.	Thank you for your comment.
2865 2014/11/28	Individual, Germany	HOPPECKE supports the joint EUROBAT and the Pb REACH Consortium document submitted by EUROBAT requesting an exemption of the use of lead monoxide, lead tetroxide, pentalead tetraoxid sulphate and tetralead trioxid sulphate in lead based battery production from the authorization for two reasons: 1. These substances are used as intermediates (in the meaning of Article 3(15) REACH) in the manufacture of lead based batteries; and 2. The use of these substances in the manufacture of lead based batteries would in any case meet the conditions for an exemption under Article 58(2) REACH	See responses referred to in comments #2607 and #2628 in section I.
2899 2014/11/30	Johnson Controls Autobatterie GmbH & Co. KGaA, Company, Germany	Johnson Controls Autobatterie GmbH & Co. KGaA based in Hannover, Germany, supports the joint EUROBAT and Pb REACH Consortium document submitted by EUROBAT requesting an exemption of the use of lead monoxide, lead tetroxide, pentalead tetraoxide sulphate and tetralead trioxide sulphate in lead-based battery production from the authorization requirements for two reasons: 1. These substances are used as intermediates (in the meaning of Article 3(15) REACH) in the manufacture of lead-based batteries; and 2. The use of these substances in the manufacture of lead-based batteries would in any case meet conditions for an exemption under Article 58(2) REACH.	See responses referred to in comments #2607 and #2628 in section I.
2904 2014/11/30	Johnson Controls Autobaterie spol. s r.o., Company, Czech Republic	Johnson Controls Autobaterie spol. s r.o. based in Ceská Lípa, Czech Republic, supports the joint EUROBAT and Pb REACH Consortium document submitted by EUROBAT requesting an exemption of the use of lead monoxide, lead tetroxide, pentalead tetraoxide sulphate and tetralead trioxide sulphate in lead-based battery production from the authorization requirements for two reasons: 1. These substances are used as intermediates (in the meaning of Article 3(15)	See responses referred to in comments #2607 and #2628 in section I.

		REACH) in the manufacture of lead-based batteries; and 2. The use of these substances in the manufacture of lead-based batteries would in any case meet conditions for an exemption under Article 58(2) REACH.	
2910 2014/11/30	Johnson Controls Autobaterías, S.A , Company, Spain	Johnson Controls Autobaterías, S.A based in Madrid, which operates two battery production sites in Burgos and Guardamar del Segura (Alicante), Spain, supports the joint EUROBAT and Pb REACH Consortium document submitted by EUROBAT requesting an exemption of the use of lead monoxide, lead tetroxide, pentalead tetraoxide sulphate and tetralead trioxide sulphate in lead-based battery production from the authorization requirements for two reasons: 1. These substances are used as intermediates (in the meaning of Article 3(15) REACH) in the manufacture of lead-based batteries; and 2. The use of these substances in the manufacture of lead-based batteries would in any case meet conditions for an exemption under Article 58(2) REACH.	See responses referred to in comments #2607 and #2628 in section I.
2915 2014/11/30	Johnson Controls Sachsen-Batterien GmbH & Co. KG , Company, Germany	Johnson Controls Sachsen-Batterien GmbH & Co. KG based in Zwickau, Germany, supports the joint EUROBAT and Pb REACH Consortium document submitted by EUROBAT requesting an exemption of the use of lead monoxide, lead tetroxide, pentalead tetraoxide sulphate and tetralead trioxide sulphate in lead-based battery production from the authorization requirements for two reasons: 1. These substances are used as intermediates (in the meaning of Article 3(15) REACH) in the manufacture of lead-based batteries; and 2. The use of these substances in the manufacture of lead-based batteries would in any case meet conditions for an exemption under Article 58(2) REACH.	See responses referred to in comments #2607 and #2628 in section I.
2917 2014/11/30	Johnson Controls Recycling GmbH, Company, Germany	Johnson Controls Recycling GmbH based in Buchholz, Germany, supports the joint EUROBAT and Pb REACH Consortium document submitted by EUROBAT requesting an exemption of the use of lead monoxide, lead tetroxide, pentalead tetraoxide sulphate and tetralead trioxide sulphate in lead-based battery production from the authorization requirements for two reasons: 1. These substances are used as intermediates (in the meaning of Article 3(15) REACH) in the manufacture of lead-based batteries; and 2. The use of these substances in the manufacture of lead-based batteries would in any case meet conditions for an exemption under Article 58(2) REACH.	See responses referred to in comments #2607 and #2628 in section I.

2971 2014/12/01	Company, Luxembourg	Use of the substance in the manufacture of microporous plastic separators for lead-based batteries Brief description of the application: In a lead-based battery, microporous plastic separators are used inside the battery to prevent any short-circuits between electrodes. The separator is a very important component as it plays a critical role on the entire battery performance and life. Our company is producing a separator relying on the incorporation of a small amount (< 2,5 % w/w) of Tetralead trioxide sulphate to maintain the integrity of the plastic component. This results in a maximum content of Tetralead trioxide sulphate <<0,1% w/w in a lead-based battery. This type of separator is only used for industrial lead-based batteries (such as batteries for forklift application). Such batteries are always enclosed and are collected at more than 99%. The tonnage used for this application is below 20 tonnes per year. Request for exemption from Authorization under Article 58(2) REACH The use of Tetralead trioxide sulphate in the manufacture of microporous separators for lead-based batteries meets the conditions for an exemption under Article 58(2) REACH (exposure well controlled by other community legislations). The presence of a component containing Tetralead trioxide sulphate in a lead based battery may be considered "non-dispersive and controlled". We retain that this use should not be subject to authorization. Indeed the exposure to lead and its compounds (ENV and HH) is already regulated in all the EU by various legislations: • Council Directive 98/24/EC on the protection of the health & safety of workers from the risks related to chemical agents at work (CAD), as implemented by Directives 2000/39/EC, 2006/15/EC, 91/322/EC and 2009/161/EU establishing lists of indicative occupational exposure limit values in implementation of Directive 98/24/EC as amended • Council Directive 92/85/EEC - Protection of pregnant/breast feeding workers • Council Directive 94/33/EC on the protection of young people at work • The Industrial Emissions Directive 2010/75/EC • Council Directive 2008/50/EC on ambient air quality and cleaner air for Europe • Council Directive 2000/60/EC establishing a framework for Community action in the field of water policy • Council Directive 98/83/EC on the quality of water intended for human	**C.1.1. General principles for exemptions under Art. 58(2)** **C.2.1. Requests for Art. 58(2) exemptions**

		consumption • Council Directive 2006/118/EC on the protection of groundwater against pollution and deterioration • Council Directive 86/278/EEC on the protection of the environment, and in particular soil, when sewage sludge is used in agriculture • Council Regulation 1013/2006 on shipments of waste Other lifecycle stages of the battery (although not subject to Authorisation) are also covered by substance specific Community Legislation as follows: (b) Existing Community legislation applicable to lead-based battery use and end-of-life includes but is not restricted to: • Council Directive 2000/53/EC on end-of-life vehicles • Council Directive 2008/103/EC amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators • Council Regulation 1013/2006 on shipments of waste	
2980 2014/12/01	ACEA, Industry or trade association, Belgium	ACEA has attached in section IV a response requesting the exemption of tetralead trioxide sulphate from the authorisation requirement for the industrial use of this substance in the manufacture of lead-based batteries.	See responses referred to in comment #2980 in section I.
		2980_20141201 ACEA Comments Authorisation Lead compounds.pdf	
2984 2014/12/01	Individual, Italy	FIAMM SPA supports the joint EUROBAT and the Pb REACH Consortium document submitted by Eurobat requesting an exemption of the use of lead monoxide, lead tetroxide, pentalead tetraoxide sulphate and tetralead trioxide sulphate in lead-based battery production from the authorization requirements for two reasons: 1. These substances are used as intermediates (in the meaning of Article 3(15) REACH) in the manufacture of lead-based batteries; and 2. The use of these substances in the manufacture of lead -based batteries would in any case meet the conditions for an exemption under Article 58(2) REACH	See responses referred to in comments #2607 and #2628 in section I..
2989 2014/12/01	ELSA (ESPA), Industry or trade association, Belgium	REQUEST FOR EXEMPTION ON THE BASIS OF REACH ART. 58.2 (exposure well controlled by other community legislations) The a.m. substance should not be subject to authorisation because it meets the conditions for an exemption under Article 58(2) REACH. Indeed the exposure to lead and its compounds is already regulated in all the EU by a plethora of various	**C.2.1. Requests for Art. 58(2) exemptions**. **A.2.17. RMOA conducted by one MS concluded that no**

		legislations. (For the sake of brevity we refer to the list and a detailed analysis of the effectiveness of those various pieces of legislations contained in the comments submitted by the ILA/EUROBAT concerning the use of lead compounds, including the a.m. substance). In addition we wish to highlight that in 2012 the German BAuA undertook a RMOA for use of all lead stabilisers in PVC production in relation to a potential restriction proposal. This concluded that since there was already a voluntary commitment by the European Plastics Industry (Vinylplus) to phase out use of lead stabilisers by end 2015 then the preferred risk management option would be to wait until this had completed its course and to re-evaluate the situation after 2015.	**further regulatory actions is needed (before 2015)** **A.2.18. Ask ECHA to consider the fact that the use of lead-stabilisers in PVC is currently being phased-out** See also responses referred to in comments #2607 and #2628 in section I.
		2989_Lead substances proposed for authorisation comments-VinylPlus 20141114.pdf	
2999 2014/12/01	ELSA (ESPA), Industry or trade association, Belgium	The a.m. substance should not be subject to authorisation because it meets the conditions for an exemption under Article 58(2) REACH. Indeed the exposure to lead and its compounds is already regulated in all the EU by a plethora of various legislations. (For the sake of brevity we refer to the list and a detailed analysis of the effectiveness of those various pieces of legislations contained in the comments submitted by the ILA/EUROBAT concerning the use of lead compounds, including the a.m. substance). In addition we wish to highlight that in 2012 the German BAuA undertook a RMOA for use of all lead stabilisers in PVC production in relation to a potential restriction proposal. This concluded that since there was already a voluntary commitment by the European Plastics Industry (Vinylplus) to phase out use of lead stabilisers by end 2015 then the preferred risk management option would be to wait until this had completed its course and to re-evaluate the situation after 2015.	See responses referred to in comments #2989 in this section.
		2999_Lead substances proposed for authorisation comments-VinylPlus 20141114.pdf	