

Evaluation of lead for the inclusion to REACH Annex XIV

Lead proposed as substance subject to authorization under REACH

03/2022

At the beginning of February, the European Chemicals Agency (ECHA) started the evaluation process for the inclusion of eight substances (including lead) in the list of substances subject to authorization (Annex XIV) of the REACH Regulation and the associated substance ban.

ECHA is currently conducting a 90-day public consultation (starting February 2nd, 2022) on the evaluation of possible Annex XIV inclusions.

The call is aimed at all downstream users and industries that rely on those eight substances. It includes specific questions, in particular on the availability of alternatives, the market and supply chain, and competitiveness.

Following the consultation, ECHA will review the comments received, finalize its list and send it to the EU Commission, presumably in April 2023, for discussion and voting. The list will then be forwarded to the European Parliament and the European Council.

A novelty in this proposal is the approval of lead as an element from the periodic table to remove it from broad use.

Lead was already added to the candidate list as an SVHC in June 2018. There are also 12 lead compounds that were previously recommended for inclusion in Annex XIV but not yet added. Another three lead compounds are already subject to authorization.

Substances on the authorization list may no longer be used in production after the expiration date (sunset date) specified there, unless a special authorization is available. This special approval has to be applied for in a separate procedure, which involves considerable costs and effort (socio-economic study, approval costs, often over hundred thousand Euros).

FURTHER PROCESS

The exact timeline is difficult to estimate. In a worst-case scenario, there could be a sunset date for lead in 2028, which would mean that applications for continued use of the substance would have to be in place by 2026 or the substance could no longer be used.

At this point, lead is still used in many important industrial applications and alternative materials or technologies are not yet available. In order to still influence the currently proposed process, various associations are accompanying it and participating with comments in the consultations.

Affected by this situation are users of lead and manufacturers of materials and products that contain lead, such as:

- Electrical appliances, here the exemptions under RoHS clearly show where lead is still used/has to be used.
- Production of valves, fittings made of copper alloys, brass/ bronze
- Production of alloys and components made of aluminium, zinc, tin in which lead is contained as an alloy component, e.g. to improve machinability / processability.
- Production of sliding bearings made of brass/bronze/white metal in which lead is contained as an alloying component in order to ensure sliding properties.
- Lead accumulators, e.g. in vehicles
- Radiation shielding, e.g. in medical technology
- Chemical plant engineering, e.g. for corrosion-resistant components

It should be noted that the manufacture of these components and the use of lead in non-EU countries is not covered by these regulations.

In case of import, the known information obligations regarding SVHC and entry into the SCIP database will result. It remains to be seen whether further bans on lead in articles under Annex XVII REACH will be implemented in the future or whether the exemptions under RoHS will cease to apply.

INFORMATION ON THE CURRENT PROPOSAL OR CONSULTATION

Further information on the eight substances as well as on the current state of affairs can be found here:

<https://echa.europa.eu/de/recommendation-for-inclusion-in-the-authorisation-list/-/substance-rev/68608/term>

RECOMMENDATION FOR ACTION

We strongly recommend all producers who require lead in their production or products to make use of this consultation opportunity!

Identify the current use of lead in your products and identify foreseeable consequences/possible actions.

TÜV Rheinland Products – Information

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Further information on current legal changes can also be found on our homepage at www.tuv.com or <https://www.tuv.com/regulations-and-standards/en/>.

Further technical information can be obtained from:

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Info box: For additional information on REACH services and SHVC testing, please also visit <https://www.tuv.com/world/en/reach.html>

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