

## TÜV Rheinland LGA Products - Information

05/2015

### Published: Restriction of lead in consumer products

After consultations and pre-publication the regulation on lead in consumer products, Commission Regulation (EU) 2015/628, amending Annex XVII REACH, was published on April 22<sup>nd</sup>, 2015.

According to the regulation, products that may be placed in the mouth by children under normal or reasonably foreseeable conditions of use may not contain more than 500 mg/kg lead if.

A transitional regulation is given in that this regulation does not apply to products that have been placed on the market for the first time before June 1st, 2016.

Many products are affected, e.g. clothing, general products in the household (furniture, decorative articles, and office articles), sport articles and many others. It has to be seen how the restriction „normal or reasonably foreseeable conditions of use“ will be interpreted.

There are several exceptions to the requirements:

- The limit value of 500 mg/kg does not apply if it can be shown that the material does not release of lead per hour more than 0,05 µg/cm<sup>2</sup>. For coated articles, similar to the case of nickel, the coating should last for a period of at least two years. Standardized test methods are not available yet.
- If the product cannot be placed in the mouth, because the part has a diameter exceeding 5 cm in all dimensions. In this case a child may only suck on it and not partially or completely place it into its mouth. This regulation is identical to the regulation on certain phthalates in toys.
- Articles for which the lead content or migration of lead is already covered by specific Union legislation regulating:  
Jewellery, toys, electronic articles according to RoHS, food-contact articles, musical instruments, packaging, various individual materials glass and semi-precious stones, enamel, and brass alloys.

Details of the regulation:

Lead and its compounds	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.
------------------------	---

	<p>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/cm<sup>2</sup> 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.</p> <p>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.</p>
	<p>8. By way of derogation, paragraph 7 shall not apply to:</p> <ul style="list-style-type: none"><li>(a) jewellery articles covered by paragraph 1;</li><li>(b) crystal glass as defined in Annex I (categories 1, 2, 3 and 4) to Directive 69/493/EEC;</li><li>(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;</li><li>(d) enamels, defined as vitrifiable mixtures resulting from the fusion, vitrification or sintering of mineral melted at a temperature of at least 500 °C;</li><li>(e) keys and locks, including padlocks;</li><li>(f) musical instruments;</li><li>(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;</li><li>(h) the tips of writing instruments;</li><li>(i) religious articles;</li><li>(j) portable zinc-carbon batteries and button cell batteries;</li><li>(k) articles within the scope of:<ul style="list-style-type: none"><li>(i) Directive 94/62/EC;</li><li>(ii) Regulation (EC) No 1935/2004;</li><li>(iii) Directive 2009/48/EC of the European Parliament and of the Council (*);</li><li>(iv) Directive 2011/65/EU of the European Parliament and of the Council (**)</li></ul></li></ul>

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

Current methods are sufficiently standardized for quantitative determination of the total content of lead. For cases where the amount of migrating lead has to be determined, (lead-content exceeds 500 mg/kg, i.e. the question is whether migration < 0,05 µg/cm<sup>2</sup>/h) a standardized test method is not available yet.

We will keep you informed on further development.

### Recommendation for action

We recommend including these requirements into your general purchase conditions in a timely manner. Several manufacturers and chains already require a limit value for lead of 100 mg/kg for different products. For them it might be a decision whether to keep these more stringent requirements.

For further specific information, please contact:

TÜV Rheinland LGA Products GmbH  
Retail Technical Competence Center  
Dr. Ansgar Wennemer  
Am Grauen Stein  
D-51105 Köln

Tel. +49 221 806-2062  
Fax +49 221 806-2882  
[Wennemer@de.tuv.com](mailto:Wennemer@de.tuv.com)

### Liability exclusion

This newsletter reflects only general information and does not imply any specific relationship with identified natural or legal persons, certain legal aspects, matters and facts. This Newsletter may not be interpreted as legal consultancy nor does it replace legal advice rendered by a lawyer.

TÜV Rheinland LGA Products GmbH (TRLP) cannot guarantee that the wordings represent precisely the official versions. TRLP endeavors to ensure that the information provided is accurate and up-to-date. Nevertheless errors and ambiguities cannot be excluded completely.

TRLP therefore accepts no liability for the accuracy, up-to-date nature, correctness, completeness or quality of the information provided.

Liability claims against TRLP as a result of either material or immaterial damages caused by use or disuse of the information presented or caused through the use of incorrect and incomplete information are fundamentally excluded.