Commission Regulation (EU) No 317/2014 of 27 March 2014 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (CMR substances) (Text with EEA relevance)

COMMISSION REGULATION (EU) No 317/2014

of 27 March 2014

amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (CMR substances)

(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 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC[(1)], and in particular Article 68(2) thereof,

Whereas:

(1) Annex XVII to Regulation (EC) No 1907/2006, in its entries 28 to 30, prohibits the sale to the general public of substances that are classified as carcinogenic, mutagenic or reproductive toxicant (CMR), categories 1A or 1B or of mixtures containing them in concentration above specified concentration limits. The substances concerned are listed in Appendices 1 to 6 to Annex XVII.

(2) Regulation (EC) No 1272/2008 of the European Parliament and of the Council[(2)] was amended by Commission Regulations (EU) No 618/2012[(3)] and (EU) No 944/2013[(4)] for the purposes of its adaptation to technical and scientific progress, in order to update or include a number of new harmonised classifications of CMR substances.

(3) Regulation (EU) No 618/2012 establishes a new harmonised classification for the following substances: indium phosphide has been classified as carcinogenic 1B, trixylyl phosphate and 4-*tert*-butylbenzoic acid have been classified as reproductive toxicant 1B.

(4) Regulation (EU) No 944/2013 establishes a new harmonised classification for the following substances: [pitch, coal tar, high-temp.] has been classified as carcinogenic 1A; gallium arsenide has been classified as carcinogenic 1B; [pitch, coal tar, high-temp.] has been classified as mutagenic 1B; [pitch, coal tar, high-temp.], epoxiconazole (ISO), nitrobenzene, dihexyl phthalate, N-ethyl-2-pyrrolidone,

ammoniumpentadecafluorooctanoate, perfluorooctanoic acid and 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate have been classified as reproductive toxicant 1B.

(5) As operators may apply the harmonised classifications set out in Part 3 of Annex VI to Regulation (EC) No 1272/2008 at an earlier date, they should be able to apply the provisions of this Regulation earlier, on a voluntary basis.

(6) Appendices 1 to 6 to Annex XVII to Regulation (EC) No 1907/2006 should be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1907/2006 is amended in accordance with Annexes I, II and III to this Regulation.

Article 2

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

Annex I to this Regulation shall apply from 1 April 2014.

Annex II to this Regulation shall apply from 1 January 2015.

Annex III to this Regulation shall apply from 1 April 2016.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 March 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) In Appendix 2, the following entry is inserted in the table in accordance with the order of the entries set out therein:

indium phosphide	015-200-00-3	244-959-5	22398-80-7	

(2) In Appendix 6, the following entries are inserted in the table in accordance with the order of the entries set out therein:

trixylyl phosphate	015-201-00-9	246-677-8	25155-23-1	
4-*tert*-butylbenzoic acid	607-698-00-1	202-696-3	98-73-7	

ANNEX II

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) In Appendix 2, the following entry is inserted in the table in accordance with the order of the entries set out therein:

gallium arsenide	031-001-00-4	215-114-8	1303-00-0	

(2) In Appendix 6, the following entries are inserted in the table in accordance with the order of the entries set out therein:

epoxiconazole (ISO); (2RS,3SR)-3-(2-chlorophenyl)-2-(4-fluorophenyl)-[(1*H*-1,2,4-triazol-1-yl)methyl]oxirane	613-175-00-9	406-850-2	133855-98-8	
nitrobenzene	609-003-00-7	202-716-0	98-95-3	
dihexyl phthalate	607-702-00-1	201-559-5	84-75-3	
N-ethyl-2-pyrrolidone; 1-	616-208-00-5	220-250-6	2687-91-4	

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 317/2014. (See end of Document for details)*

ethylpyrrolidin-2-one				
ammoniumpentadecafluorooctanoate	607-703-00-7	223-320-4	3825-26-1	
perfluorooctanoic acid	607-704-00-2	206-397-9	335-67-1	
2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate	050-027-00-7	239-622-4	15571-58-1	

ANNEX III

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) In Appendix 1, the following entry is inserted in the table in accordance with the order of the entries set out therein:

pitch, coal tar, high-temp.; (The residue from the distillation of high temperature coal tar. A black solid with an approximate softening point from 30 °C to 180 °C (86 °F to 356 °F). Composed primarily of a complex mixture of three or more membered condensed ring aromatic hydrocarbons.)	648-055-00-5	266-028-2	65996-93-2	

(2) In Appendix 2, the following entry is deleted:

pitch, coal tar, high-temp.;	648-055-00-5	266-028-2	65996-93-2	