

N.B. Unofficial translation, legally binding only in Finnish and Swedish

Ministry of Social Affairs and Health, Finland

No. 647/2009

Government Decree on the exceptions to Annex XVII of the REACH Regulation on restrictions on the manufacture, placing on the market and use of certain hazardous substances, mixtures and articles

Issued in Helsinki on 20 August 2009

Section 1

Exceptions shall be made to the restrictions laid down in Annex XVII of the REACH Regulation on restrictions on the manufacture, placing on the market and use of certain hazardous substances, mixtures and articles as referred to in Article 67 of the Regulation in accordance with the Annex to this Decree.

Section 2

This Decree enters into force on 21 August 2009.

The Decree is however applied as from 27 June 2009.

Regulation of the European Parliament and of the Council (EC) No 1907/2006 (32006R1907),
EUOJ L 396, 30 December 2006, pp. 395–849

Commission Regulation (EC) No 552/2009 (32009R0552) EUOJ L 164, 26 June 2009, pp. 7–31

ANNEX

Designation of the substance, of the group of substances or of the mixture and the entry regarding it in Annex XVII of the REACH Regulation

National exception

6. Asbestos fibres

(a) Crocidolite CAS No 12001-28-4 (b) Amosite CAS No 12172-73-5 c) Anthophyllite CAS No 77536-67-5 (d) Actinolite CAS No 77536-66-4 (e) Tremolite CAS No 77536-68-6 (f) Chrysotile CAS No 12001-29-5 CAS No 132207-32-0

1. Use:

By way of derogation from what is provided in entry 6.2 in Annex XVII to the REACH Regulation, the use of articles containing asbestos fibres added intentionally referred to in points (a) to (f) is prohibited with the following exceptions: The use of the following whole articles containing asbestos that were installed or were in service before 1 January 2005 is permitted until they are disposed of or reach the end of their service life:

a) buildings and structural elements

b) chrysotile containing

- seals,

- articles containing friction materials,

- insulating sheets for brazed joints,

- commutators of the electric motor armature in vehicles, and

- acetylene cylinders.

2. Placing on the market:

By way of derogation from what is provided in entry 6.2 in Annex XVII to the REACH Regulation regarding placing on the market the following whole articles that contain asbestos that were installed or were in service in Finland before 1 January 2005 can further be placed on the market:

a) buildings,

b) vehicles containing chrysotile containing parts referred to in point 1 (b). The asbestos containing parts of vehicles shall be replaced by non-asbestos containing parts always when it is justified for reasons of health protection and possible technically and taking account of the article's historic value.

c) acetylene gas cylinders. The cylinders must however be replaced by non-asbestos containing ones as soon as possible.

3. Furthermore, it is permitted to import to and be placed on the market in Finland museum vehicles or other vehicles for the preservation of whose historic value a chrysotile asbestos containing part is of essential significance as determined by the National Board of Antiquities.

4. It is permitted to import to Finland and use in the Defence Forces chrysotile asbestos containing friction materials and seals in the equipment for military use, if there is no substituent material with corresponding operating characteristics available that contains a less hazardous material than asbestos.

5. When applying the exceptions referred to above the labelling obligations laid down in entry 6.3 in Annex XVII to the REACH Regulation must be complied with. The Government Decision on Work with Asbestos (1380/1994), the Waste Act (1072/1993) and any provisions laid down in virtue of it shall be complied with in demolishing buildings and in other work with asbestos.

16. Lead carbonates:

- (a) Neutral anhydrous carbonate (PbCO_3)
CAS No 598-63-0 EC No 209-943-4
- (b) Trilead-bis(carbonate)-dihydroxide 2
 $\text{Pb CO}_3\text{-Pb(OH)}_2$ CAS No 1319-46-6 EC
No 215-290-6

By way of derogation from what is provided in entry 16 in Annex XVII to the REACH Regulation it is permitted to use paint containing lead carbonates referred to in the said entry for the professional restoration and maintenance of works of art and historic buildings and their interiors, if it is necessary in view of the preservation and/or renovation of them.

17. Lead sulphates:

- (a) PbSO_4 CAS No 7446-14-2 EC No
231-198-9
- (b) $\text{Pb}_x \text{SO}_4$ CAS No 15739-80-7 EC No
239-831-0

By way of derogation from what is provided in entry 16 in Annex XVII to the REACH Regulation it is permitted to use paint containing lead sulphates referred to in the said entry for the professional restoration and maintenance of works of art and historic buildings and their interiors, if it is necessary in view of the preservation and/or renovation of them.

By way of derogation from what is provided in entry 19 in Annex XVII to the REACH Regulation it is permitted to place on the market, use and reuse wood treated with CCA solution type B that was in use before 30 September 2007, if the conditions laid down in entry 19.4 (b), (c) and (d) in Annex XVII to the REACH Regulation are fulfilled.

19. Arsenic compounds