

Commission Delegated Directive (EU) 2019/174 of 16 November 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead bound in crystal glass as defined in Directive 69/493/EEC (Text with EEA relevance)

COMMISSION DELEGATED DIRECTIVE (EU) 2019/174

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment⁽¹⁾ and in particular Article 5(1)(a) thereof,

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain certain hazardous substances listed in Annex II to that Directive. That requirement does not apply to the applications listed in Annex III to Directive 2011/65/EU.
- (2) The different categories of electrical and electronic equipment for which Directive 2011/65/EU applies (categories 1 to 11) are listed in Annex I to that Directive.
- (3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU. The use of lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) to Council Directive 69/493/EEC⁽²⁾ was, however, exempted from the restriction and is currently listed in entry 29 of Annex III to Directive 2011/65/EU. The expiry date of that exemption was, for categories 1 to 7 and 10, 21 July 2016.
- (4) The Commission received an application for renewal of that exemption before 21 January 2015, in accordance with Article 5(5) of Directive 2011/65/EU. The exemption remains valid until a decision on that application has been adopted.
- (5) Lead oxides (PbO or Pb₃O₄) are used as an intermediate for the chemical synthesis of lead crystal glass (LCG). LCG is used in electrical and electronic equipment because its unique combinations of processing (cooling time, working range), optical (refractive index, dispersion) and decorative (Vicker's hardness) properties allows the manufacturing of electrical and electronic articles which could not be produced

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otherwise, such as specific luminaires and chandeliers, electrified mirrors, clocks and watches, digital photo frames and building materials (illuminated blocks).

- (6) A substitution or elimination of lead in crystal glass is still scientifically and technically impracticable due to the lack of reliable substitutes. The exemption does not weaken the environmental and health protection afforded by Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁽⁹⁾. The exemption for the use of lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) to Directive 69/493/EEC should therefore be renewed for categories 1 to 7 and 10.
- (7) Since reliable alternatives for the applications concerned are not yet available on the market or are likely to be available on the market in the near future, the exemption for categories 1 to 7 and 10 should be renewed for the maximum duration of five years until 21 July 2021. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (8) For categories other than 1 to 7 and 10, the existing exemption remains valid as per the validity periods set out in the second subparagraph of Article 5(2) of Directive 2011/65/EU. For reasons of clarity, the dates of expiry should be added in Annex III to that Directive.
- (9) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ L 174, 1.7.2011, p. 88.](#)
- (2) Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass ([OJ L 326, 29.12.1969, p. 36.](#))
- (3) 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) and establishing a European Chemicals Agency ([OJ L 396, 30.12.2006, p. 1.](#))