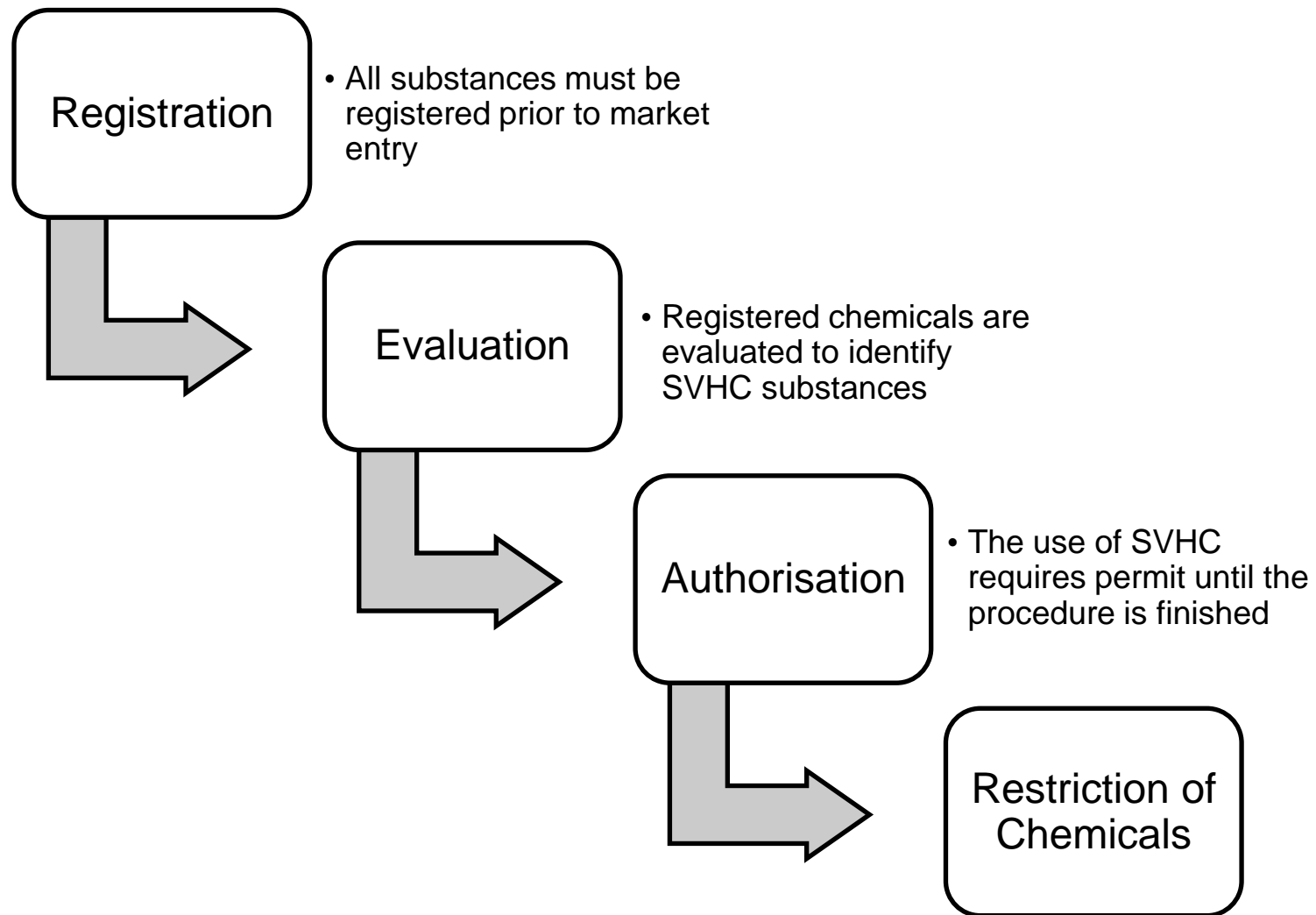


HERITAGE BASED EXCEPTIONS TO REACH

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How REACH Works (a very short version)



Article 67

- A substance on its own, in a preparation or in an article, for which Annex XVII contains a restriction **shall not be manufactured, placed on the market or used unless it complies with the conditions of that restriction.**
- Annex XVII provides the Member States with some leeway to make national exceptions

Council of State Decree 647/2009

- 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
- 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.
- Available in English on the website:
<https://www.finlex.fi/fi/laki/kaannokset/2009/en20090647.pdf>

ASBESTOS FIBRES

Asbestos Fibres: Leeway in Annex XVII

- The use of articles containing asbestos fibres referred to in paragraph 1 which were already installed and/or in service before 1 January 2005 shall continue to be permitted until they are disposed of or reach the end of their service life. However, Member States may, for reasons of protection of human health, prohibit the use of such articles before they are disposed of or reach the end of their service life.

Asbestos Fibres: National Exception

- The use or placing on the market of 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 (buildings and structural elements as well as certain other items)
- 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

Asbestos Fibres: Practical Use

- De facto issue is about car brake friction surfaces: before the 1970's, most brake shoes, clutch discs and disc brake pads were made of an asbestos-based material, chosen because of its ability to quickly dissipate heat and for its durability
- Heritage point of view: items have value pertaining to their originality

LEAD CARBONATES/SULPHATES

Lead Carbonates/Sulphates: Leeway in Annex XVII

- Shall not be used as substances and a constituent of preparations intended for use as paints, except for the restoration and maintenance of works of art and historic buildings and their interiors, where Member States wish to permit this on their territory, in accordance with the provisions of ILO Convention 13 on the use of white lead and sulphates of lead in paint

Lead Carbonates/Sulphates: National Exception

- “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”
- “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”

Lead Carbonates/Sulphates: Practical Use

- Lead based paints are used for certain restoration/conservation works
 - Virtually all users are heritage professionals
- The NBA considered that the use of lead paints should have been made possible also in regard of certain heritage vehicles
 - Was not adopted, most likely due to the restrictions set out in the leeway provision in REACH

ARSENIC COMPOUNDS

Arsenic Compounds: Leeway in Annex XVII

- Wood treated with CCA solution in accordance with point (a) may be placed on the market for professional and industrial use provided that the structural integrity of the wood is required for human or livestock safety and skin contact by the general public during its service life is unlikely
- Treated wood referred to under point (a) shall not be used:
 - in residential or domestic constructions, whatever the purpose,
 - in any application where there is a risk of repeated skin contact,
 - in marine waters,
 - for agricultural purposes other than for livestock fence posts and structural uses in accordance with point (b),
 - in any application where the treated wood may come into contact with intermediate or finished products intended for human and/or animal consumption

Arsenic Compounds: National Exception

- 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.

Arsenic Compounds: Practical Use

- Used in producing terrain in the museum field
- The NBA considered the exception unnecessary, although CCA impregnated wood is used also within the museum field



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<http://www.panssarimuseo.fi/kehys.html>

Thank You!

