Resolution on the draft Commission regulation amending Annex XVII to Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards lead and its compounds

2019/2949(RPS) - 12/02/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 394 votes to 241, with 13 abstentions a resolution on the draft Commission regulation amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards lead and its compounds.

The draft Commission Regulation proposes to limit the use and presence of lead and its compounds in products made from polymers and copolymers of vinyl chloride (PVC) by setting the maximum lead concentration at 0.1%, by weight, of PVC. It provides for two 15-year derogations for recovered PVC materials, allowing a maximum lead concentration of 2% for rigid PVC and 1% for flexible PVC.

Parliament opposed the adoption of the draft Commission regulation, considering that it was not compatible with the aim and content of the REACH regulation, which is to ensure a high level of protection for human health and the environment and to authorise importers to sell PVC products containing thousands of tonnes of lead for a further 24 months in order to sell off stocks, even though the manufacture of such products is no longer authorised in the Union.

Members considered that concentrations of lead of 1% or 2% were not ‘safe levels’ but were limits set to allow the industry to continue to maximise the financial benefits it derives from recycling lead-containing PVC waste when there are alternatives explicitly recognised by the Commission. They added that such derogations went against the longstanding position of the Parliament, which has been reiterated in numerous resolutions, most recently on 15 January 2020.

In summary, Parliament considered that the draft Commission regulation was 18 years too late and that it was incompatible with REACH in several respects, namely the derogations for recovered PVC, the positive marking of recycled PVC despite its lead content, exemption for lead pigments and the long grace period granted to operators.

Members therefore called on the Commission to withdraw its draft regulation, to submit a new one to the European Chemicals Agency's Risk Assessment Committee without delay and to respect the deadlines set by the REACH regulation.

They considered that the recovery of waste PVC should not lead to the carry-over of lead compounds into a new generation of products.