

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

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EU SEEKS COMMENTS FOR DRAFT GUIDELINE ON LEAD RESTRICTION UNDER REACH

The European Union (EU) has sought comments for the draft guidance document on the restriction of lead in articles intended for the general public that can be mouthed by children. The deadline for comments will be 11 June 2015.

On 23 April 2015, the EU published [Regulation \(EU\) 2015/628](#) to expand the restriction of lead to articles or accessible parts of articles for the general public if such products or components may be placed in the mouth by children under normal or reasonably foreseeable conditions of use.

On 1 April 2015, the [European Chemicals Agency](#) (ECHA) announced a call for comments for the [draft guidance document](#) in relation to the restriction of lead in articles for the general public or accessible parts thereof which may be placed in the mouth by children during normal and reasonably foreseeable conditions of use in entry 63 under ANNEX XVII of REACH.

According to the draft guidance, the primary group at risk is children aged between 6 and 36 months. The restriction targets the following 3 conditions:

- Supplied to the general public and contain lead or lead compounds in any accessible part of the article at a concentration equal or greater than 0.05%
- Are likely to be placed in the mouth by small children
- Are not already covered by any other EU specific legislation regulating lead

A major factor in determining whether an article is under the scope is 'if the article can be placed in the mouth by children'. 'Placing in the mouth' is defined as 'the article or parts of the article can be brought to the mouth and kept in the mouth so that it can be sucked and chewed. If the object can only be licked, it is not regarded as 'placed in the mouth'

By analogy to the above definition and considering 2 important factors for mouthability to all consumer articles, an article supplied to the general public may be included within the scope if:

- It does not exceed 5 cm in all of its 3 dimensions
- It has accessible parts, detachable or protruding parts with at least 1 dimension



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less than 5 cm

- 'Mouthability'. By definition, inaccessible parts of articles cannot be placed in the mouth
- a. Accessibility can be assessed in accordance with EN 71-1
- b. Normal and foreseeable conditions of use where an article must be available for children to their mouths under these circumstances

The draft guidance provides a 'stepwise approach' to assess whether an article is within the scope. It also provides a non-exhaustive list and a decision tree to determine which articles fall in the scope of restriction. Outdoor items, with some exceptions, are not considered accessible to small children in their immediate environment. It is interesting to note, however, that garden hoses are considered to be mouthable and accessible to children especially when these products are lying on the grass. Town footwear with rubber, plastic or leather outer soles and textile uppers would also be considered as within the scope (Annex 4).

The deadline for comments will be on 11 June 2015. The guideline is envisaged to be published in the website of the ECHA to assist economic operators and enforcement authorities.

The full list of examples of articles that are considered as falling under the scope can be found in Annex-1 of the draft guidance document. Examples of outdoor articles that are considered to be inside or outside the scope of the restriction can be found in ANNEX-4 of the draft guideline. Highlights of some articles considered as falling under the scope are summarised in Table 1.

TABLE 1.

ENTRY	PRODUCT CATEGORY	EXAMPLE
1	Accessories	<ul style="list-style-type: none"> • Belts and clothing accessories, handbags • Cosmetic and powder containers • Sunglasses, spectacles and similar items • Travel sets for personal, toilet, sewing or shoe or clothes cleaning • Trunks, suitcases, briefcases and umbrellas
2	Childcare articles	<ul style="list-style-type: none"> • Articles used for hygiene care of children such as articles for bath, including bathtubs, hairbrushes and nail cutters • Blankets, mattresses protectors (if placed above sheets and cannot be tightly fixed to mattress) • Breast-feeding pillow (external parts) • Changing table pillows (edges) • Parts of baby carriages and pushchairs
3	Clothing items	<ul style="list-style-type: none"> • Adult / children anoraks, blazers, overcoats, suits and ensembles, trousers and shorts • Baby garments and clothing accessories, including vests, rompers, napkins, gloves, mittens • Braces, suspenders, garters and similar articles thereof
4	Footwear	Sandals and slippers
5	Interior Decoration Items	<ul style="list-style-type: none"> • Artificial flowers • Furnishing articles including furniture and cushion covers for car seats • Household and toilet articles made of plastic, porcelain or china • Plastic and metal wooden frames for paintings, photographs, mirrors or similar objects

6	Sports and leisure items	<ul style="list-style-type: none"> • Articles and accessories for billiards; articles and equipment for table-tennis • Medals used for sports/awards purposes • Pneumatic mattresses, skis for winter sports, golf clubs and equipment, articles an equipment for table tennis • Tennis, badminton or similar rackets
7	Stationery Items	<ul style="list-style-type: none"> • Ball-point pens (tip exempted) • Drawing compasses, rulers • Erasers of vulcanized rubber • Felt-tipped and other porous-tipped pens and markers • Metal or plastic-binder elements such as spirals and rings Pencil sharpeners and their blades • Office articles such as letter clips

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