

ANNEX XVII TO REACH – Conditions of restriction

Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles

Entry 31

Creosote and Creosote related substances:

(a) Creosote; wash oil

CAS No 8001-58-9

EC No 232-287-5

(b) Creosote oil; wash oil

CAS No 61789-28-4

EC No 263-047-8

(c) Distillates (coal tar), naphthalene oils; naphthalene oil

CAS No 84650-04-4

EC No 283-484-8

(d) Creosote oil, acenaphthene fraction; wash oil

CAS No 90640-84-9

EC No 292-605-3

(e) Distillates (coal tar), upper; heavy anthracene oil

CAS No 65996-91-0

EC No 266-026-1

(f) Anthracene oil

CAS No 90640-80-5

EC No 292-602-7

(g) Tar acids, coal, crude; crude phenols

CAS No 65996-85-2

EC No 266-019-3

(h) Creosote, wood

CAS No 8021-39-4

EC No 232-419-1

(i) Low temperature tar oil, alkaline; extract residues (coal), low temperature coal tar alkaline

CAS No 122384-78-5

EC No 310-191-5

Conditions of restriction

1. Shall not be placed on the market, or used, as substances or in mixtures where the substance or mixture is intended for the treatment of wood. Furthermore, wood so treated shall not be placed on the market.

2. By way of derogation from paragraph 1:

(a) The substances and mixtures may be used for wood treatment in industrial installations or by professionals covered by Community legislation on the protection of workers for in situ retreatment only if they contain:

- (i) benzo[a]pyrene at a concentration of less than 50 mg/kg (0,005 % by weight), and
- (ii) water extractable phenols at a concentration of less than 3 % by weight.

Such substances and mixtures for use in wood treatment in industrial installations or by professionals:

- may be placed on the market only in packaging of a capacity equal to or greater than 20 litres,
- shall not be sold to consumers.

Without prejudice to the application of other Community provisions on the classification, packaging and labelling of substances and mixtures, suppliers shall ensure before the placing on the market that the packaging of such substances and mixtures is visibly, legibly and indelibly marked as follows:

‘For use in industrial installations or professional treatment only’.

(b) Wood treated in industrial installations or by professionals according to subparagraph (a) which is placed on the market for the first time or retreated in situ may be used for professional and industrial use only, for example on railways, in electric power transmission and telecommunications, for fencing, for agricultural purposes (for example stakes for tree support) and in harbours and waterways.

(c) The prohibition in paragraph 1 on the placing on the market shall not apply to wood which has been treated with substances listed in entry 31 (a) to (i) before 31 December 2002 and is placed on the second-hand market for re-use.

3. Treated wood referred to under paragraph 2(b) and (c) shall not be used:

- inside buildings, whatever their purpose,
- in toys,
- in playgrounds,
- in parks, gardens, and outdoor recreational and leisure facilities where there is a risk of frequent skin contact,
- in the manufacture of garden furniture such as picnic tables,
- for the manufacture and use and any re-treatment of:
 - containers intended for growing purposes,
 - packaging that may come into contact with raw materials, intermediate or finished products destined for human and/or animal consumption,
 - other materials which may contaminate the articles mentioned above.