NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** SWITZERLAND  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Federal Office for the Environment FOEN  Monbijoustrasse 40  CH-3011 Berne  [chemicals@bafu.admin.ch](mailto:chemicals@bafu.admin.ch), www.bafu.admin.ch  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  State Secretariat for Economic Affairs SECO  Holzikofenweg 36  3003 Berne  [tbt@seco.admin.ch](mailto:tbt@seco.admin.ch), [www.seco.admin.ch](http://www.seco.admin.ch) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Products of the chemical industry (ICS code(s): 71.100); chemical substances |
| **5.** | **Title, number of pages and language(s) of the notified document:** Draft Ordinance of the Federal Office for the Environment concerning amendments to annexes 1.17, 2.16, and 2.18 of the Ordinance on the Reduction of Risks relating to the Use of Certain Particularly Dangerous Substances, Preparations and Articles (Chemical Risk Reduction Ordinance, ORRChem, Fedlaw number: SR 814.81); (7 page(s), in French), (7 page(s), in German) |
| **6.** | **Description of content:** Description of content: The draft Regulation aims at amending Annex 1.17 of the ORRChem. The draft proposes to include five additional substances in that Annex, namely:   * Tetraethyllead; * 4,4'-bis(dimethylamino)-4''-(methylamino)trityl alcohol [with ≥ 0.1% of Michler's ketone (EC No. 202-027-5) or Michler's base (EC No. 202-959-2)]; * Reaction products of 1,3,4-thiadiazolidine-2,5-dithione, formaldehyde and 4-heptylphenol, branched and linear (RP-HP) [with ≥0.1% w/w 4-heptylphenol, branched and linear]; * 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetetra-decanoate (DOTE) * Reaction mass of 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate and 2-ethylhexyl 10-ethyl-4-[[2-[(2-ethylhexyl)oxy]-2-oxoethyl]thio]-4-octyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (reaction mass of DOTE and MOTE).   According to Annex 1.17, the placing on the market and the use of the substances listed in this Annex are in principle prohibited. Authorisations granted by the EU Commission are considered as exemptions from the ban in Switzerland, provided that the substance is placed on the market and used in accordance with the EU authorisation. In addition, the provisions of Annex 1.17 ORRChem prescribe that the Notification Authority may grant further temporary exemptions from the prohibitions on placing on the market and use in Switzerland on request if certain conditions are met.  In November 2021, the intrinsic properties underlying the prohibition of four phthalic acid esters were supplemented in the EU to include endocrine-disrupting properties in addition to reproductive toxicity. As a consequence, some uses that were previously exempted from the general prohibitions no longer benefit from an exemption. The amendment of the ChemRRV provides for a corresponding adaptation to the regulations in the EU. In addition, practical experience has shown that the wording of the general exemption for the use of three hexavalent chromium compounds needs to be clarified.  In accordance with EU law, Annexes 2.16 and 2.18 ORRChem stipulate bans on the placing on the market of vehicle components and vehicles as well as electrical and electronic equipment, cables and replacement parts if they contain certain hazardous substances. Components for which there is no substitute without regulated substances are exempt from the bans. The draft aims at designating the applicable exemptions with reference to EU law. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety; Protection of the environment; Harmonization; Reducing trade barriers and facilitating trade |
| **8.** | **Relevant documents:**  Current version of ORRChem and link to where the adopted consolidated version will be published:  [SR 814.81 - Ordinance of 18 May 2005 on the Reduction of Risks relating to the Use of Certain Particularly Dangerous Substances, Preparations and Articles (Chemical Risk Reduction Ordinance, ORRChem) (admin.ch)](https://www.fedlex.admin.ch/eli/cc/2005/478/en)  Relevant EU legal acts with which the Swiss law is being harmonized:  [Regulation (EC) No. 1907/2006](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02006R1907-20140410)  [Directive 2000/53/EC](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32000L0053)  [Directive 2011/65/EU](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0065) |
| **9.** | **Proposed date of adoption:** 1 January 2024  **Proposed date of entry into force:** 1 January 2027 |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [****X]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  Swiss Information Center for Technical Rules (switec)  Sulzerallee 70  8404 Winterthur  Tel: +(41) 52 224 54 55 Fax: +(41) 52 224 54 75  Email:  [switec@snv.ch](mailto:switec@snv.ch)  <https://members.wto.org/crnattachments/2023/TBT/CHE/23_13239_00_f.pdf>  <https://members.wto.org/crnattachments/2023/TBT/CHE/23_13239_00_x.pdf> |