



Brussels, XXX
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[...] (2026) XXX draft

ANNEX

ANNEX

to the

COMMISSION REGULATION (EU) .../...

amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and the Council as regards creosote and creosote-related substances

ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, entry 31 is replaced by the following:

<p>‘31.</p> <p>Creosote and Creosote-related substances:</p> <p>(a) Creosote; wash oil CAS No 8001-58-9 EC No 232-287-5</p> <p>(b) Creosote oil; wash oil CAS No 61789-28-4 EC No 263-047-8</p> <p>(c) Distillates (coal tar), naphthalene oils; naphthalene oil CAS No 84650-04-4 EC No 283-484-8</p> <p>(d) Creosote oil, acenaphthene fraction; wash oil CAS No 90640-84-9 EC No 292-605-3</p> <p>(e) Distillates (coal tar), upper; heavy anthracene oil CAS No 65996-91-0 EC No 266-026-1</p> <p>(f) Anthracene oil CAS No 90640-80-5 EC No 292-602-7</p> <p>(g) Tar acids, coal, crude; crude phenols CAS No 65996-85-2 EC No 266-019-3</p> <p>(h) Low temperature tar oil, alkaline; extract residues (coal), low temperature coal tar alkaline CAS No 122384-78-5 EC No 310-191-5</p>	<ol style="list-style-type: none"> 1. Shall not be placed on the market or used, on their own or in mixtures, for the treatment of wood. 2. By way of derogation from paragraph 1 and without prejudice to the application of the requirements set out in Regulation (EU) No 528/2012, substances may be placed on the market and used, on their own or in mixtures, for wood treatment by vacuum pressure impregnation in industrial installations only if they contain concentrations, as follows, of both the following substances: <ol style="list-style-type: none"> (a) benzo[a]pyrene at a concentration of less than 50 mg/kg (0,005% by weight); (b) water extractable phenols at a concentration of less than 3% by weight. 3. The derogation provided for in paragraph 2 shall be subject to the following conditions: <ol style="list-style-type: none"> (a) substances, on their own or in mixtures, may be placed on the market only in packaging of a capacity equal to or greater than 200 litres; (b) substances, on their own or in mixtures, shall not be placed on the market for the general public; (c) without prejudice to the application of other Union provisions on the classification, packaging and labelling of substances and mixtures, the following shall apply: <ul style="list-style-type: none"> – suppliers shall ensure, before the placing on the market, that the packaging of such substances, on their own or in mixtures, is visibly, legibly and indelibly marked with the words ‘For use in industrial installations only’; – labels and, where provided, safety data sheets shall include the following additional information: <ol style="list-style-type: none"> a. industrial application of the wood treatment shall be conducted within a contained area or on impermeable hard standing with bunding; b. freshly treated timber shall be stored after treatment under shelter or on impermeable hard standing, or both, to prevent direct losses to soil, sewer or water; c. any losses from the application of the product to wood shall be collected for reuse or disposal. 4. Wood treated with the substances listed in column 1 of this entry, whether on their own or in mixtures, shall be neither placed on the market nor used. 5. By way of derogation from paragraph 4, the following
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conditions shall apply:

- (a) wood treated with the substance listed in column 1, point (a) of this entry, on its own or in mixtures, may be placed on the market for the first time in accordance with the conditions of Regulation (EU) No 528/2012 and may be first used as a railway sleeper or as a utility pole for electricity or telecommunications;
- (b) wood treated with any of the substances listed in column 1 of this entry, on their own or in mixtures, which has been placed on the market for the first time in accordance with applicable legislation may be further placed on the market and reused, subject to both the following conditions:
 - (i) the wood is reused either as a railway sleeper or a utility pole for electricity or telecommunications;
 - (ii) the further placing on the market and reuse only takes place in the same Member State where the wood was first used.

6. For the purposes of paragraph 5, the placing on the market and use of treated wood is only allowed in Member States listed by the European Chemicals Agency, in accordance with Commission Implementing Regulation (EU) 2022/1950, as Member States where the placing on the market of creosote-treated wood is allowed for the specific purpose of, respectively, railway sleepers or of utility poles for electricity or telecommunication.

7. Wood treated with the substances listed in column 1 of this entry, whether on their own or in mixtures, may remain in place in the same location and continue to be used there for the same purpose.

8. When further placing on the market or using treated wood in accordance with paragraph 5, point (b), of this entry, suppliers and users shall at least apply the risk management measures for creosote identified for the first placing on the market of treated articles in accordance with Implementing Regulation (EU) 2022/1950. The users of treated wood shall maintain documentation of the supplies of the treated wood which they receive and of their disposal. That documentation shall be kept for the duration of the use and for ten years after their disposal. Where such supplies are further placed on the market, that documentation shall be kept for a further ten years thereafter.

9. In this entry, “reuse” means any operation by which treated wood that is not waste is used again for the same purpose as the original use, excluding cases where the treated

	wood continues to be used in its original location.’.
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