

HEALTH AND SAFETY EXECUTIVE

REGISTRATION EVALUATION AUTHORISATION AND RESTRICTION OF CHEMICALS REGULATION (EC) NO 1907/2006 ("REACH") ARTICLE 67 (1) & ANNEX XVII ENTRY 6

CERTIFICATE OF EXEMPTION No. 1 OF 2015

In accordance with the powers conferred upon it by Schedule 5A to the REACH Enforcement Regulations 2008 ("the Regulations") (SI 2008/2852) and, being satisfied as required by paragraph 4 of Schedule 5A to the Regulations that the health and safety of persons who are likely to be affected will not be prejudiced as a result, the Health and Safety Executive ("the Executive") grants the following Certificate of Exemption ("Exemption").

EXEMPTION

1. The prohibition imposed by Article 67 (1) and Annex XVII, entry 6 of REACH on placing on the market articles to which asbestos fibres have intentionally been added shall not apply to:
 - a. Any museum placing artefacts on the market, provided that conditions (a) to (d) in paragraph 3 are complied with; and
 - b. Any person other than a museum placing artefacts on the market, provided that conditions (a), (b) and (e) in paragraph 3 are complied with.

DEFINITIONS

2. In this certificate:

"artefact" means an article which was installed and/or in service before 2005, and has artistic, cultural, scientific or historic interest or importance.

"article" means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition.

"asbestos fibres" means asbestos fibres listed at entry 6 of Annex XVII to REACH as follows:

(a) Crocidolite CAS No 12001-28-4 (b) Amosite CAS No 12172-73-5 (c) Anthophyllite CAS No 77536-67-5 (d) Actinolite CAS No 77536-66-4 (e) Tremolite CAS No 77536-68-6 (f) Chrysotile CAS No 12001-29-5 CAS No 132207-32-0, and references to "asbestos" are to be construed accordingly.

"museum" means an organisation that collects and safeguards artefacts which it holds for the long-term public benefit and makes publicly accessible.

“person” includes any body of persons (whether corporate or unincorporate).

“placing on the market” means supplying or making available, whether in return for payment or free of charge, to a third party. Importation is deemed to be placing on the market.

“transfer” means moving an artefact for the purposes enabled by this exemption, including any disassembly, packaging, loading, transportation, unloading and reassembly.

CONDITIONS

3. The conditions referred to in paragraph 1 are:
 - a) The recipient of the artefact is a museum.
 - b) A written record is prepared and supplied with the artefact, describing it and, to the extent possible, specifying the type, condition and location/s of asbestos contained within it. Where the artefact is being leased or loaned, this record must include the name and address of the recipient, and a copy of it must be kept by the supplier.
 - c) Where the artefact is to be transferred:
 - i. A method statement is prepared by a competent person, setting out how the artefact will be safely transferred. This method statement must take into account any statutory labelling requirements; and
 - ii. All personnel involved in the transfer of the artefact are appropriately trained and competent, and are instructed to undertake their roles in accordance with the method statement.
 - d) Obligations under relevant legislation, including The Control of Asbestos Regulations 2012 (SI 2012/632) and any other applicable aspects of REACH, are complied with as appropriate.
 - e) Prior to supplying or making available an artefact under paragraph 1 (b) of this exemption, written confirmation is obtained from the receiving museum that it will ensure conditions (c) and (d) are complied with as applicable.

This exemption takes effect from the date of the signature below, and will remain in force for ten years, subject to the power of the Executive to vary or revoke the exemption at any time by a further notice in writing.

Signed by: *I. Travers*
Ian Travers

Head of Regulation Policy of the Chemicals Regulation Directorate of the Executive who has been duly authorised by the Executive to sign on their behalf.

Date: 13 February 2015

