

**HEALTH AND SAFETY EXECUTIVE**  
**REACH ENFORCEMENT REGULATIONS 2008**  
**CERTIFICATE OF EXEMPTION No. 3 OF 2015**

In accordance with the powers conferred upon it by Schedule 5A to the REACH Enforcement Regulations 2008<sup>1</sup> (“the Regulations”) 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 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 does not apply to any person in relation to their placing heritage vehicles on the market, subject to the conditions in paragraph 3.

**DEFINITIONS**

2. In this certificate:

“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 the 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;

“the Executive” means the Health and Safety Executive;

“heritage vehicle” means a vehicle manufactured at least thirty years before the date it is placed on the market;

“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;

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<sup>1</sup> SI 2008/2852 as amended by SI 2013/2919

“REACH” means Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals<sup>2</sup>;

“transfer” means moving a vehicle for a purpose related to placing it on the market, including driving, loading, transporting, unloading and preparing for exhibition;

“vehicle” means a self-propelled object with wheels (including wheels used to drive continuous track plates) which moves directly on land and, at the time of manufacture, was used to transport people or goods.

### CONDITIONS

3. The conditions referred to in paragraph 1 are:
  - a) any asbestos-containing articles within the vehicle were installed before 1 January 2005;
  - b) a written record is prepared and supplied with the vehicle (or, in the case of import, obtained from the exporter) which describes, so far as is reasonably practicable:
    - i. the date it was manufactured;
    - ii. which articles within the vehicle contain asbestos; and
    - iii. the type/s, condition and location/s of that asbestos;

Where the vehicle 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 owner.

- c) the risks to human health arising from any transfer of the vehicle are adequately assessed and controlled; and
- d) obligations under relevant legislation, including any other applicable aspects of REACH, are complied with as appropriate.

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 it at any time by a further notice in writing.

Signed by: .....  
David Bench



Director of the Chemicals Regulation Directorate of the Executive who has been duly authorised by the Executive to sign on its behalf.

Date: 23 DEC 2015

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<sup>2</sup> OJ L396, 30.12.2006, p.1 as amended by Commission Regulation (EC) No 552/2009 2009 (OJ L164 26.06.2009, p.7)