



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Consumer, Environmental and Health Technologies

Directorate-General for Environment
Circular Economy and Green Growth

Directors

Brussels,

**NOTE FOR THE ATTENTION OF
MR G. DANCET, EXECUTIVE DIRECTOR, ECHA**

Subject: Request to the European Chemicals Agency to prepare a restriction proposal conforming to the requirements of Annex XV to REACH

In accordance with Article 69 (1) of the REACH Regulation, we would like to request ECHA to prepare an Annex XV dossier in view of a possible restriction of synthetic water-insoluble polymers of 5mm or less in any dimension (*i.e.*, microplastic particles).

Recent scientific studies present some evidence that microplastic particles, intentionally added to or used in certain products (including personal care products, paints, detergents, other consumer products and some products for professional use) may pose a threat to the aquatic environment.

Microplastic particles, mostly generated unintentionally or originating from pellet loss, have been found in some aquatic environments and are a possible vector for persistent organic pollutants (POPs) entering the food chain via the ingestion of the microplastic particles to which they attach. Plastic and other organic micro particles may adsorb persistent pollutants on their surface in a higher concentration than in the natural aquatic environment. However, it still remains to be established whether any of the adsorbed POPs will be released inside exposed animals as the POPs are tightly bound to particles which even tend to adsorb toxins from the biota.

While the possible effects of microplastic particles in the aquatic environment are only beginning to be more extensively researched, a number of Member States have already taken measures to ban the use of microplastic particles (also referred to as plastic microbeads) in some products for consumer and other uses.

Some of these provisions appear to constitute a restriction on the use and the placing on the market of microplastic particles. In such cases the restriction procedure under the REACH Regulation must be triggered, in accordance with the recent judgment of the EFTA Court in Case E-19/2016 in which the Court ruled that, where an EEA State adopts a national measure restricting the free movement of a chemical substance, the restrictions procedure under the REACH Regulation must be triggered.

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111
Office: Brey12/246 – Phone: (32-2) 299.22.19
email: Maila.Puolamaa@ec.europa.eu

Office: BU-9 05/037 – Phone: (32-2) 2995452 – Fax: (32-2) 2995452
email: sylvain.bintein@ec.europa.eu

Based on a request from the Federal Institute for Risk Assessment (BfR) in Germany, the EFSA¹ published a scientific opinion on microplastics and nanoplastics in June 2016 recommending methodological development for their appropriate assessment and further research on their toxicity, toxicokinetics and their fate in environment, in particular for the particles below < 150 µm.

The Commission finalised a study, including a RMOA, on microplastic particles intentionally added to products, which includes an assessment of the risks to aquatic organisms, and is currently conducting as well a parallel study on microplastic particles generated during the life cycle of products.

Based on the currently available evidence, the Commission is of the opinion that a potential risk to the environment may arise from the presence of microplastic particles used in the production of various products for consumer and professional use that get into the aquatic environment, and that these risks need to be addressed on a Union wide basis.

Therefore, the Commission would like to ask ECHA to develop an Annex XV dossier concerning the use of intentionally added microplastic particles to consumer or professional use products of any kind. ECHA shall enter the relevant intention into the Registry of Intentions (RoI) within one month of receipt of this note. When developing the dossier, ECHA should assess the need to add some criteria in the definition of microplastic particles (e.g. biodegradability, solid state in the aquatic environment).

We would appreciate to receive as soon as possible a confirmatory letter from ECHA that our request has been accepted.

(e-signed)

Carlo Pettinelli
DG Internal Market, Industry,
Entrepreneurship and SMEs

(e-signed)

Kestutis Sadauskas
DG Environment

¹ See <http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2016.4501/epdf>