



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL
ENVIRONMENT DIRECTORATE GENERAL

Directors-General

Brussels, - 4 SEP. 2009
ENTR/G2/MS/mjw D (2009) 24782

**NOTE TO MR GEERT DANCET
EXECUTIVE DIRECTOR EUROPEAN CHEMICALS AGENCY (ECHA)**

Subject: Request to evaluate new scientific evidence concerning the restrictions on phthalates contained in Annex XVII to Regulation (EC) No 1907/2006 (REACH) and their substitutes

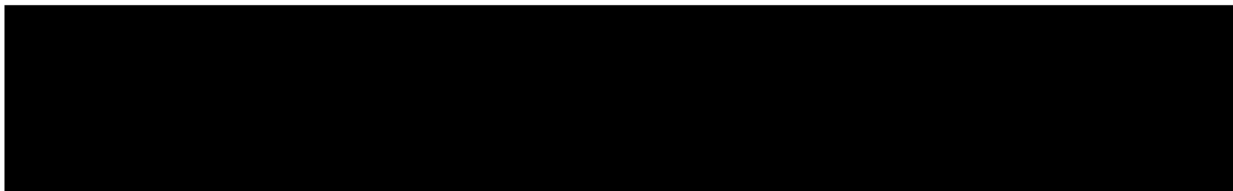
According to entry 51 and 52 of Annex XVII to REACH on phthalates in toys and childcare articles (which have incorporated the restrictions adopted in Directive 2005/48/EC), the Commission has to evaluate the restrictions concerning six phthalates in the light of new scientific information on the substances and their substitutes until 16 January 2010, and if justified, the measures shall be modified accordingly.

At the Working Group of the competent authorities for the implementation of Directive 76/769/EEC on 28 April 2009, the Commission asked the Member State competent authorities and stakeholders to supply it with any new scientific information on these substances until 30 June 2009. Submissions were received from the plasticiser industry, Greenpeace, the toys industry and several Member States and can be accessed on the Commission's password protected CIRCA site, which is also accessible to ECHA staff:

(http://circa.europa.eu/Members/irc/enterprise/lmudsp/library?l=/thematic_folder/phthalates_review&vm=detailed&sb=Title).

In line with ECHA's task to provide Member States and the European institutions with the best possible scientific advice on questions related to the safety and the socio-economic aspects of the use of chemicals, the Commission would like to request ECHA to review the available new scientific information for **DNOP, DINP, DIDP, DEHP, BBP and DBP** and to evaluate whether there is evidence that would justify a re-examination of the existing restrictions in accordance with Article 69 (5) or if applicable Article 68(2) of REACH.

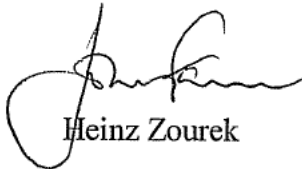
We would like to suggest that you prepare a more detailed work plan for the review of the six phthalates. In the light of opinions submitted earlier by stakeholders and Member States authorities, the work plan should give highest priority to an evaluation of whether the use of these phthalates in articles intended to be used by children (other than toys and childcare articles), for example school supplies and clothing, poses a risk to children that is not adequately controlled.



Given that ECHA has recently recommended that DEHP, BBP, and DBP should be included into Annex XIV to REACH, the work plan should concentrate on the evaluation of whether their presence in articles constitutes a risk to human health or the environment that is not adequately controlled. If, during the review, the Commission Decision to include DEHP, BBP, and DBP into Annex XIV of REACH is published, ECHA should focus its work on these substances exclusively on this issue.

On the basis of your review, the Commission will decide whether there is a need to re-examine the existing restrictions of these substances.

We would be grateful for your agreement to this proposed way of proceeding.


Heinz Zourek

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