



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND
 SMES
 Ecosystems I: Chemicals, food, retail
 DIRECTORATE-GENERAL FOR ENVIRONMENT
 Circular Economy and Green Growth
 Directors

Brussels,
 GROW.F.1/GS/mp
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**NOTE FOR THE ATTENTION OF
 MR B. HANSEN, EXECUTIVE DIRECTOR, ECHA**

Subject: Request to the European Chemicals Agency to prepare an Annex XV restriction dossier on substances containing the same congener groups with PBT- or vPvB-properties as MCCPs

The Member State Committee (MSC) agreed on 15 June 2021 on the identification of medium-chain chlorinated paraffins (MCCPs) as substances of very high concern (SVHC) due to being persistent, bioaccumulative and toxic (PBT) and very persistent and very bioaccumulative (vPvB). The MSC defined MCCPs as a “UVCB substances consisting of more than or equal to 80% linear chloroalkanes with carbon chain lengths within the range from C₁₄ to C₁₇”¹. Identification of MCCPs was based on congener groups² with PBT- and vPvB-properties. The congener groups themselves were not identified as SVHCs.

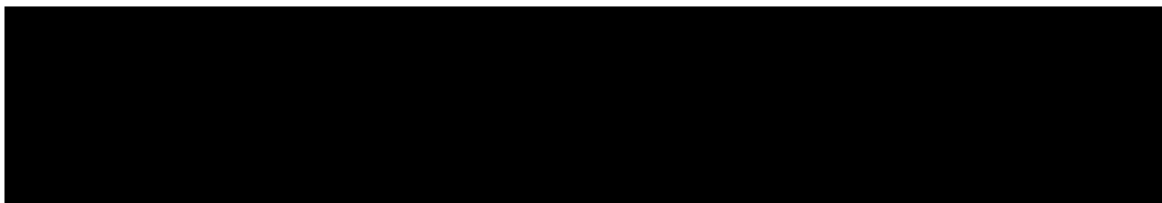
The MSC considered in a note that also other substances contain the same congener groups with PBT- or vPvB-properties and that these other substances could meet the REACH Annex XIII criteria for a PBT or vPvB substance if these congener groups are present in a concentration ≥ 0.1 % (w/w).

Moreover, the United Kingdom submitted a proposal for listing “chlorinated paraffins with carbon chain lengths in the range C₁₄-17 and chlorination level $\geq 45\%$ chlorine by weight” in the Annexes to the Stockholm Convention on Persistent Organic Pollutants (POPs), which might also lead to a listing of substances other than MCCP under the Convention.

On 23 July 2021, the Commission requested ECHA to prepare a restriction dossier on MCCPs conforming to the requirements of Annex XV of REACH. In a first assessment, ECHA advised that restricting other substances containing PBT and/or vPvB congener groups of MCCPs could increase practicability and enforceability of the restriction on

¹ <https://echa.europa.eu/documents/10162/233569ab-0edf-7a25-3278-9ad40ea192bb>

² ‘congener group’ refers to a group of constituents sharing the same empirical formula irrespective of the position of the chlorine substituents on the carbon chain.



MCCPs. Furthermore, ECHA raised concern that substances containing the same congener groups with PBT- or vPvB-properties as MCCPs could be used to substitute MCCPs, which could still lead to emissions of PBT and/or vPvB substances to the environment. ECHA advised to extend the restriction dossier to cover also those other substances. According to the Registry of Intentions, the restriction dossier on MCCPs will be submitted by 15 July 2022.

Other substances than MCCPs containing the same congener groups with PBT- or vPvB-properties in a concentration ≥ 0.1 % (w/w) are currently not identified as SVHCs. The Commission SVHC Roadmap to 2020³ introduced the approach to, in general, identify substances with PBT/vPvB-properties as SVHCs, which facilitates further risk management measures like restrictions. However, due to the time constraints, it appears to be appropriate to extend the restriction dossier on MCCPs as soon as possible.

Taking all the above into account, the Commission considers that substances other than MCCPs containing congener groups with PBT- or vPvB-properties should be assessed and included in the restriction dossier on MCCP that is under preparation. Companies manufacturing, placing on the market or using substances containing the same congener groups with PBT- or vPvB-properties as MCCPs should be encouraged as soon as possible to phase out those substances. For that reason, the Commission requests ECHA to assess the potential risks to human health or the environment arising from the manufacture, use or placing on the market of substances containing the same congener groups with PBT- or vPvB-properties as MCCPs, if these congener groups are present in a concentration ≥ 0.1 % (w/w), and to include them in the ongoing restriction dossier on MCCPs, in conformity with the requirements of Annex XV of REACH.

ECHA shall keep the Commission regularly informed on the progress of the development of the restriction dossier.

In addition, the request for a restriction dossier sent on 23 July 2021 asked ECHA to gather relevant information on the use of MCCPs in PVC. In its request, the Commission noted that it would like to use that information in a future restriction dossier on substances in PVC, and that due to that, the use of MCCPs in PVC should not be part of the Annex XV restriction dossier on MCCPs.

The Commission has now decided to bring forward a restriction also on the use of MCCPs in PVC. Therefore, the Commission would now like ECHA to include the use of MCCPs in PVC in the restriction dossier on MCCP that is under preparation.

Furthermore, the potential risks to human health or the environment arising from the use of other substances containing the same PBT and/or vPvB congener groups as in MCCPs in PVC should also be assessed and included in the restriction dossier on those substances, if the congener groups are present in those substances in a concentration ≥ 0.1 % (w/w).

³ <http://register.consilium.europa.eu/pdf/en/13/st05/st05867.en13.pdf>

Timing

We would appreciate to receive, as soon as possible, a confirmatory letter from ECHA that our request has been accepted. The entry in the Registry of Intentions should be updated as soon as practicable and no later than one month after receiving this letter.

(e-sign)
Kristin Schreiber
DG GROW

(e-sign)
Kestutis Sadauskas
DG ENV