

To: Members of the REACH Committee

Brussels, Monday 20 February 2023

Dear Sir/Madam,

We, the undersigned NGOs, are writing regarding the REACH Committee meeting that will take place on 1 March 2023.

At this meeting the European Commission will propose:

- a discussion and possibly a vote on the Draft Commission Regulation (EU) amending Annex XVII to the REACH Regulation (EC) No 1907/2006 as regards **microplastics**;
- a discussion and vote on several applications for authorisation, notably for the use of **DEHP** (DEZA a.s.) and **sodium dichromate** (Ilario Ormezzano and Gruppo Colle);

Restriction of intentionally-added microplastics

Civil society is extremely concerned about the growing evidence of multiple negative impacts of microplastics on the environment. Their potential to harm people's health is also under the [scrutiny of scientists](#), with worrying evidence piling up. By addressing the most easily preventable sources of microplastic pollution with ambitious and actionable measures, the proposed restriction is a step in the right direction.

Should the European Commission invite the REACH Committee to adopt the proposal, **we urge the Committee to support a restriction that includes all microplastics including nanoplastics and all non-essential uses in its final scope.**

There is no reasonable scientific ground supporting the exclusion of nanoplastics, soluble and biodegradable microplastics. There is also no justification for long transition periods for uses, such as cosmetics, known to have suitable alternatives that have been marketed for years as a recent [open letter from microplastic-free brands](#) highlights.

This restriction is a not-to-be-missed opportunity to take the lead and set an example in the strict regulation of the most hazardous chemicals.

Refusing authorisation to DEZA for the use of DEHP

We support the conclusions from the Commission that DEZA a.s. has not discharged its burden of proof in demonstrating the absence of suitable alternatives. This case is about an application for authorisation submitted, ten years ago, in 2013, to continue using DEHP, a known reprotoxicant and endocrine disruptor.

The Commission's decision, unfortunately, covers only one of the three uses included in the application for authorisation, this is the use of DEHP in the production of soft PVC. SEAC rightly concluded that alternatives are available for most of the applications covered by the use applied for and that the substitution plan presented by DEZA a.s. is not credible.

Moreover, today, 10 years after applying for authorisation, DEZA is still allowed to manufacture DEHP because no decision has been taken by the European Commission. The chemical has been in a legal limbo and *de facto* authorised for a decade as the Commission favours a powerful industry player.

Therefore, refusing to renew the authorisation in this case is perfectly coherent with the spirit and the provisions of the authorisation chapter under REACH.

We invite the REACH Committee to support the conclusions of the Commission refusing the authorisation of DEZA for the use of DEHP in soft PVC and urge the Commission to also reject the authorisation to all uses of DEHP requested by DEZA.

Refusing authorisation to GRUPPO COLLE for the use of sodium dichromate

We support the conclusions from the Commission that Gruppo Colle S.r.l. has not discharged its burden of proof in demonstrating the absence of suitable alternatives. This case is about the renewal of an authorisation which means the applicant has been benefitting from the continued use of a highly dangerous substance since 2017. It should be underlined that this substance has been an identified SVHC for 15 years and a priority substance for evaluation since 1997 - hence leaving considerable time for companies to think about and implement substitution. In addition, SEAC rightly found out that alternatives are marketed for similar uses. Despite that, the applicant undertook too few efforts to carry out substitution activities.

Refusing to renew the authorisation in this case is perfectly coherent with the spirit and the provisions of the authorisation chapter under REACH.

We invite the REACH Committee to support the conclusions of the Commission withdrawing the Gruppo Colle's authorisation.

Granting authorisation to ILARIO ORMEZZANO Sai S.R.L. for the use of sodium dichromate

Similarly to Gruppo Colle, Ilario Ormezzano Sai Spa has requested an authorisation to continue using sodium dichromate as a mordant in the dyeing of wool - which the Commission is proposing to grant.

It is striking that the problems that have led the Commission to refuse the Gruppo Colle's application on the one hand, are not recognised as issues that would also lead to rejecting the authorisation request of Ormezzano. The uncertainties regarding the availability of alternatives are similarly significant for that case, raising doubt among SEAC members as well as concern at the European Parliament (*Resolution of 29 November 2018*).

REACH clearly states that no authorisation should be granted if there are alternatives available on the market. The Commission justifies its approach by stating that the applicant has provided additional information on the infeasibility of existing alternatives. The argument put forward for tolerating a continued use of sodium dichromate is that the alternatives would not meet the "high quality standards of the relevant market sector" notably with regards to colour characteristics - an argument mostly based on the subjective opinions from customers rather than objective performance criteria. [Alternatives are known to be readily available](#), comparable in cost and performance and used by most wool houses in the EU. The

Commission sets a variety of conditions to the authorisation holder to remedy its potential impact. However, it generally fails to thoroughly and convincingly justify the lack of available alternatives. While non-negligible uncertainties regarding alternatives remain, as in the present case, the only possible option in accordance with REACH and recent related case law is to not grant authorisation.

We highly encourage the REACH Committee to refuse to grant an authorisation to Ormezzano, since the supporting dossier fails to meet REACH requirements.

Yours faithfully,



plastic change