



Deloitte Legal Newsflash

Public law, regulatory & permits

REACH update: chemicals in textiles

The EU is one step closer to restricting skin sensitising substances in clothing and footwear

On 22 September 2020, the European Chemicals Agency (ECHA) announced that the Committee for Socio-economic Analysis (SEAC) adopted its final opinion in which it supports France's and Sweden's proposal to restrict skin sensitising substances in clothing, footwear and other articles with similar skin contact, that are placed on the market for the first time. This follows an earlier opinion by the Committee for Risk Assessment (RAC) in March 2020. Both committees concluded that an EU-wide restriction is the most appropriate means to address the risks for EU citizens.

What is the concern?

Skin sensitisation is a health effect that leads to a lifelong sensitivity to a specific allergen. Currently, there is a growing concern about skin sensitisation from exposure to chemicals in textile and leather products. It is estimated that up to 5 million people in the European Economic Area are already sensitised to chemicals and that up to 180.000 new cases occur each year.

Should the restriction finally be adopted, it is expected to save European social security at least EUR 708 million a year in reduced healthcare costs, productivity losses (sick leaves) and welfare losses (in terms of reduced quality of life due to the allergy). The raw material costs for the industry to replace the chemicals are estimated to be up to EUR 23.8 million per year. Costs related to reformulation, testing and enforcement will also need to be taken into consideration.

Conditions of the restriction

The proposal seeks to limit the concentrations of substances that have a harmonised classification as skin sensitisers in Categories 1/1A/1B, listed in the Classification, Labelling and Packaging (CLP) Regulation, such as chromium VI, nickel and cobalt compounds. It also proposes to restrict some dyes considered to have skin sensitising properties, but which do not have a harmonised classification.

The restriction proposal suggests that all substances with skin sensitising properties should be restricted and would therefore no longer be allowed to be present in textiles, leather, hide and fur articles above a proposed concentration limit. The proposed concentration limits for different substance groups can be found in the [restriction proposal](#).

Importantly, any substance that will, in the future, be classified as a skin sensitiser under CLP would automatically be subject to the restriction. However, when substances are automatically added to the restriction, SEAC recommends a transitional period of three years between classification and the application of the restriction, to allow manufacturers to adapt.

Next steps

Following SEAC's adoption, the opinions of both RAC and SEAC as well as the initial proposal of France and Sweden will be sent to the European Commission.

Within three months of receiving the two committees' opinions, the European Commission will provide a draft amendment to the list of restrictions in Annex XVII to REACH. The European Commission will also submit the draft amendment to the World Trade Organisation (WTO), in order to ensure that it does not create technical barriers to international trade. The final decision will be taken in a comitology procedure with scrutiny involving the Member States and the European Parliament. If the Council or the European Parliament do not oppose the restriction, the latter will be adopted.

Once the restriction is adopted, industry actors must comply. After the entry into force of the restriction, articles containing skin sensitising substances must not be placed on the market or used unless they comply with the conditions of the restriction.

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