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Public law, regulatory & permits

REACH update: restriction for phthalates DEHP, DBP, DIBP and BBP entered into force

As of 7 July 2020, the phthalates DEHP, DBP, DIBP and BBP are restricted in the EU. Articles containing these phthalates can no longer be placed on the market or used unless they comply with the conditions of the restriction laid down in Entry 51 of Annex XVII to REACH.

What is the concern?

On 17 December 2018, the Commission Regulation 2018/2005 amending Annex XVII to REACH was adopted, to restrict the placing on the market and use of phthalates DEHP, DBP, DIBP and BBP.

The four phthalates are chemicals added to plastics to increase their flexibility, transparency, durability and longevity. They are considered toxic for reproduction and interfere with the human hormonal system.

The phthalates are found in a wide variety of articles as they are commonly present in plasticised materials, such as inflatable water toys. Exposure may occur through the ingestion of food and dust, the placing of articles in the mouth, the inhalation of air and dust in indoor environments, and contact of dust and articles with human skin.

Exposure to DEHP, DBP, DIBP and BBP can lead to male infertility and can also cause asthma.

To give stakeholders sufficient time to take appropriate measures to comply with the proposed restriction, an 18 month deferral of its general application was applied. That term has now come to an end.

Conditions of the restriction

The restriction on DEHP, DBP, DIBP and BBP is included in Entry 51 of Annex XVII to REACH.

As a general rule, these four phthalates must not be placed on the market after 7 July 2020 in articles, individually or in any combination of the phthalates, in a concentration equal to or greater than 0,1% by weight of the plasticised material in the article.

Certain exceptions to this restriction apply, including for products exclusively intended for industrial or agricultural use, certain aircraft and motor vehicles, or products regulated under other EU legislation.

The full text of the restriction can be found here:
<https://bit.ly/3ecS2xO>.

Contacts

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