

**EUROPEAN COMMISSION**

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Director-General

Brussels, *27/08/2018*  
GROW/D1/ABR/nt  
grow.ddg1.d.1(2018) 4306473

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**Subject: Proposed restriction on the ‘four phthalates’ must include use in food contact materials – Your letter of 4 July 2018**

Dear Dr Warhurst,

Thank you for your letter of 4 July 2018 addressed to Vice-President Timmermans as well as Commissioners Bieńkowska, Vella and Andriukaitis, to which I have been asked to reply.

The Commission appreciates the support received from the Member States during the vote in the REACH Committee meeting of 11 July 2018 on the restriction proposal for the four phthalates (DEHP, DBP, BBP and DIBP).

As you know, the use and placing on the market of DEHP, DBP and BBP in toys and childcare articles were already banned in the EU in the nineties. Moreover, following their inclusion in Annex XIV to the REACH Regulation, the four phthalates cannot be used in mixtures or incorporated into articles in the EU since 21 February 2015, unless an authorisation has been granted for a specific use. The restriction proposal voted upon in the REACH Committee meeting of 11 July 2018 aims, in addition, to address the risks from the four phthalates in consumer articles other than toys and childcare articles, including imported articles, following consideration by the European Chemicals Agency in accordance with Article 69(2) REACH. Following the positive vote on 11 July 2018, the proposal is now being submitted to the three-month scrutiny by the European Parliament and the Council, which will run until the end of October 2018.

With regard to the inclusion of food contact materials (FCM) in the scope of the restriction, as suggested in your letter, I would like to explain that Regulation (EC) No 1935/2004 on food contact materials provides a specific framework to regulate

substances from food contact materials that may pose a risk to consumers through migration into food.

Under Regulation (EU) No 10/2011 on plastic food contact materials, DEHP, DBP and BBP are authorised for use as plasticisers and technical support agents. These authorisations are granted with restrictions including Specific Migration Limits (SMLs) based on opinions from the European Food Safety Authority (EFSA) issued in 2005. The phthalate DIBP is not authorised and therefore cannot be used in plastic food contact materials under that Regulation.

The Commission has asked EFSA to assess the new data from the restriction dossier under REACH and to use all the information available from ECHA, including the RAC's exposure assessment. Based on the outcome of the re-assessment, which is expected in December 2018, the Commission will take further regulatory measures if required on the use of these substances in plastic food contact materials.

To conclude, the restriction proposal voted upon on 11 July 2018 covers a wider variety of everyday products used by consumers as well as articles for industrial and agricultural use or present in indoor areas, and the EU is at the forefront of protecting human health and the environment against risks from these four phthalates.

Yours sincerely,

  
**ANTTI PELTOMÄKI**  
Deputy Director-General  
DG INTERNAL MARKET, INDUSTRY,  
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Lowri Evans