

Proposal to restrict microplastics according to Annex XVII REACH

TÜV Rheinland LGA Products - Information

August 2023

The European Commission prepared its draft Regulation on the basis of ECHA's report and the joint opinion of the Committees¹. The first initial draft was published in August 2022. Following discussions with EU Member States in the REACH Committee, Member States voted in April 2023 in favour of the current Commission proposal².

Before the restriction can be adopted, it will be considered by the European Parliament and the Council.

When the regulation is published, which should be in the next few months, some of the requirements will be in force immediately upon its entry into force.

For other applications, there are transitional periods, which in some cases can be as long as several years.

Under the current draft, microplastics in concentrations $\geq 0.01\%$ may not be placed on the market as a single substance or in a mixture.

This refers to particles of plastic with a size between

- 0.1 μm and 5 mm or
- 0.3 μm and 15 mm for longitudinal particles/fibers (ratio of length to diameter >3).

IN SCOPE

Mixtures containing a liquid/gel with plastic particles or plastic particles as such are affected, such as:

- Cosmetics with microbeads (abrasives, e.g. for peeling, polishing or cleaning)
- Cosmetics with other microplastics, 6 years transition period for "leave-on" cosmetics, 4 years for "rinse-off" cosmetics
- Glitter powder for sprinkling,
- Crayons, gel pens, chalks with glitter,
- Finger paint with glitter,
- Glitter slime,
- Polystyrene beads or other beads made of polymers with a diameter of < 5 mm,
- ...

¹ <https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e18244cd73>

² <https://echa.europa.eu/documents/10162/05bd96e3-b969-0a7c-c6d0-441182893720>
<https://ec.europa.eu/transparency/comitology-register/screen/documents/083921/1/consult?lang=en>

- Water beads (super absorbent polymer) with a diameter of < 5 mm when dry,
- ...



It should be noted that metal powder (aluminum, ...) can also be used for glitter effects. This would not be in the scope of application.

EXEMPTIONS

- Natural polymers, e.g. cellulose
- Biodegradable polymers as glitter
(Corresponding test methods are listed in an appendix. These tests sometimes take months).
- Water-soluble polymers
- if the microplastic is retained by technical means and is not released into the environment during use. e.g. the filling of a toy, seat cushion with EPS beads
- if the microplastic changes during use in such a way that it is no longer a microplastic, e.g. a modeling clay made of plastic particles that is melted in an oven that the final shape is no longer a microplastic in the sense of the regulation.
- If the microplastic is permanently incorporated into a solid matrix during end use.
- This can be, for example, in our judgment, glue with glitter or glitter nail polish that hardens and is then not water soluble.
- Other exemptions are described for specific applications and situations in the text of the draft regulation.



³ Source: www.pixabay.com

NOT IN SCOPE

Microplastics in a product, such as a garment with glitter or sequins, a Christmas bauble painted with glitter and other products with glitter particles are not regulated according to the current understanding of the text of the draft restriction. They are not substances or mixtures in the sense of REACH (It should be noted that there are indeed other views, which could be introduced via guidelines). In our opinion, this also applies to small products (< 5 mm) made of plastic, such as beads for stringing, confetti-like stars, snowflakes, etc., punched out of foil.



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RECOMMENDATION

Please check which of your mixtures may contain microplastics. As described above, there are alternative polymers (natural, water-soluble, biodegradable) or even metal powders with which comparable effects can be obtained.

Further information on current legal changes can also be found on our homepage at www.tuv.com or <https://www.tuv.com/regulations-and-standards/en/>.

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Infobox: You can also find more information about REACH services at: <https://www.tuv.com/germany/de/reach.html>

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