



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Consumer, Environmental and Health Technologies

Directorate-General for Environment
Circular Economy and Green Growth

Directors

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NOTE FOR THE ATTENTION OF MR G. DANCET, EXECUTIVE DIRECTOR, ECHA

Subject: Request to the European Chemicals Agency to prepare a restriction proposal conforming to the requirements of Annex XV to REACH

In accordance with Article 69 (1) of the REACH Regulation, we would like to request ECHA to prepare an Annex XV dossier in view of a possible restriction on octamethylcyclotetrasiloxane ('D4') and decamethylcyclopentasiloxane ('D5') as set out below.

On 10 March 2016, the Risk Assessment Committee (RAC) adopted its opinion on the United Kingdom proposal on octamethylcyclotetrasiloxane ('D4') and decamethylcyclopentasiloxane ('D5'), which confirmed that the hazard properties of these substances give rise to specific concerns for the environment when present in cosmetic products that are washed off with water after application. On 9 June 2016, the Socio-economic Committee (SEAC) adopted its opinion, indicating that the proposed restriction is the most appropriate Union-wide measure to reduce the discharge of D4 and D5 to waste water in terms of its socio-economic benefits and its socio-economic costs.

The Commission, based on the opinions of RAC and SEAC, concluded that an unacceptable risk to the environment arises from the presence of D4 and D5 in cosmetic products that are washed off with water after application and that the risks need to be addressed on a Union wide basis. In accordance with Article 73 (1) of REACH, the Commission is preparing a draft Regulation to restrict the use of these substances in EU under the specific conditions described above. The proposal, in its current draft, does not cover leave-on products (as defined in the preamble to Annexes II to VI to Regulation (EC) 1223/2009) or products that are not washed-off after use¹.

The assessment conducted by RAC did not exclude a potential risk from the use of D4 and D5 in leave on products not covered by the Dossier Submitter in its restriction proposal. The Commission considers that this potential risk needs to be assessed.

¹ For example, used pads, tissues or wipes, disposed of in solid waste, not removed with water

Therefore, the Commission would like to ask ECHA to develop an Annex XV dossier concerning the use of D4 and D5 in leave-on cosmetic products and for other consumer or professional products not covered by the Dossier Submitter in the earlier restriction proposal.

ECHA shall enter the relevant intention into the Registry of Intentions (RoI) within one month of receipt of this note.

The information provided in the earlier Annex XV dossier as well as the RAC opinion may serve as a basis for this new restriction dossier, although it obviously will be for ECHA to consider whether the information is sufficient to demonstrate that the risk to the environment is not adequately controlled.

(e-signed)

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(e-signed)

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