

Next steps and potential delays



Timelines and delays

Comparison of 4 REACH restrictions

RAC/SEAC opinion development (UPFAS)



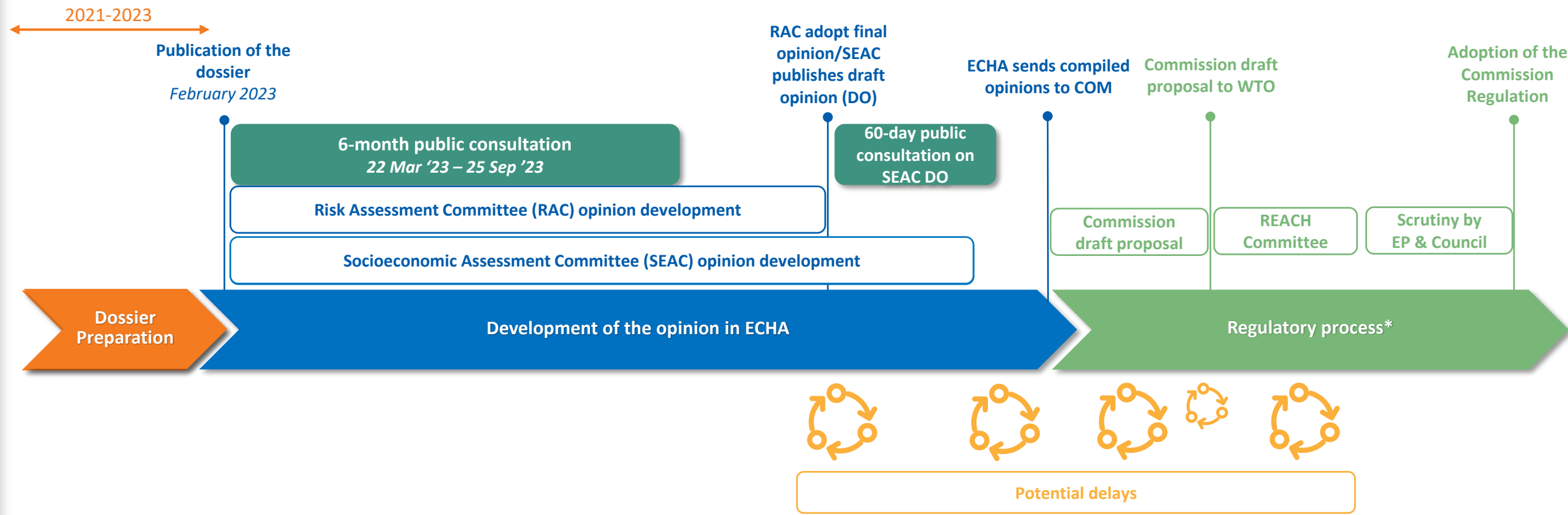
Timelines and delays

Comparison of 4 REACH restrictions

RAC/SEAC opinion development (UPFAS)



The restriction proposal – restriction process: potential delays



*Commission regulation adopted by implementing acts

The restriction proposal – potential delays and examples in other restrictions: microplastics, silicones and PFHxA



Publication of the RAC opinion

Proposed time in legislation: **9 months**

Delays: **microplastics 7 months, PFHxA 8 months** (no delay on silicones)



Publication of the SEAC opinion

Proposed time in legislation: **12+3 months**

Delays: **microplastics 7 months, PFHxA 8 months** (no delay on silicones)



Publication of Commission draft Regulation

Proposed time in legislation: **3 months** after SEAC opinion or if no opinion by ECHA 15 months after publication

Delays : **microplastics 17 months PFHxA 15 months, silicones 36 months**



Commission draft Regulation submitted to WTO for a decision on technical barrier

Proposed time in legislation: 60 days for writing comments

No examples to date but huge international impact on the UPFAS restriction consultation with 29 non-EEA (including China and India) contributions.



REACH Committee's decision

Proposed time in legislation: time limits may be fixed by the chair

Delays: **microplastics 7 months, PFHxA 7 months to date**



The restriction proposal – timeline of other restrictions: microplastics, silicones and PFHxA

Standard time: total 2 years



- Microplastics: total 4,7 years (adopted)



- Silicones D4/D5/D6: total 4,4 (so far)



- PFHxA: total 3,4 (so far)



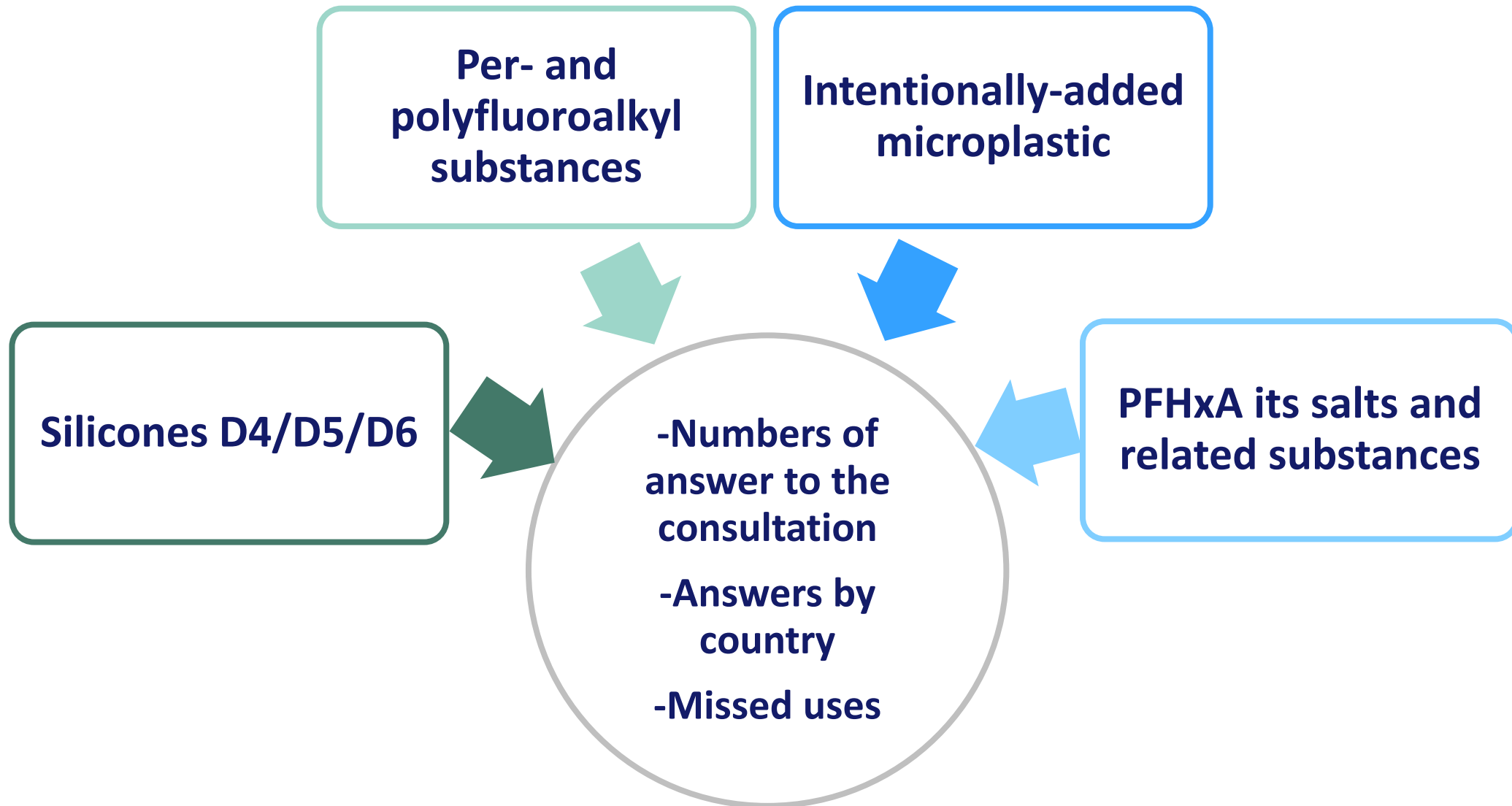
Timelines and delays

Comparison of 4 REACH restrictions

RAC/SEAC opinion development (UPFAS)



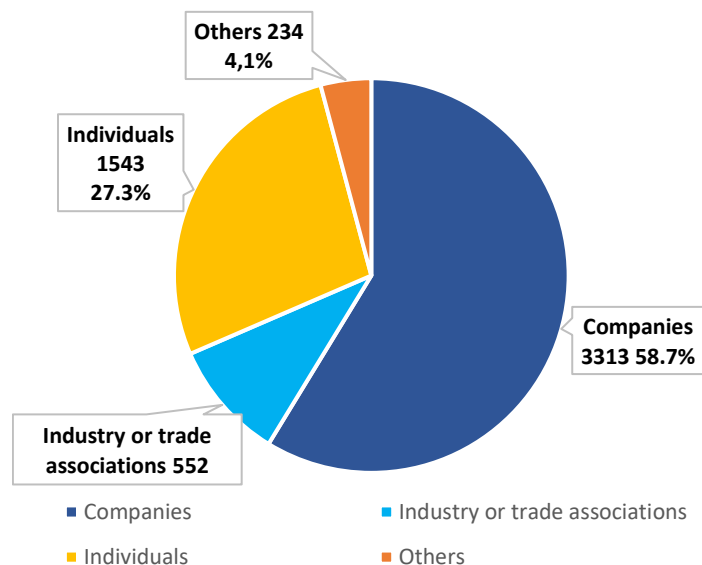
Comparison of U-PFAS/PFHxA/Microplastics and Silicones



Per- and polyfluoroalkyl substances

- 5642 comments received
- 68.5% companies/industry/trade associations
- 27.3% individuals

Number of comments by type of consultee

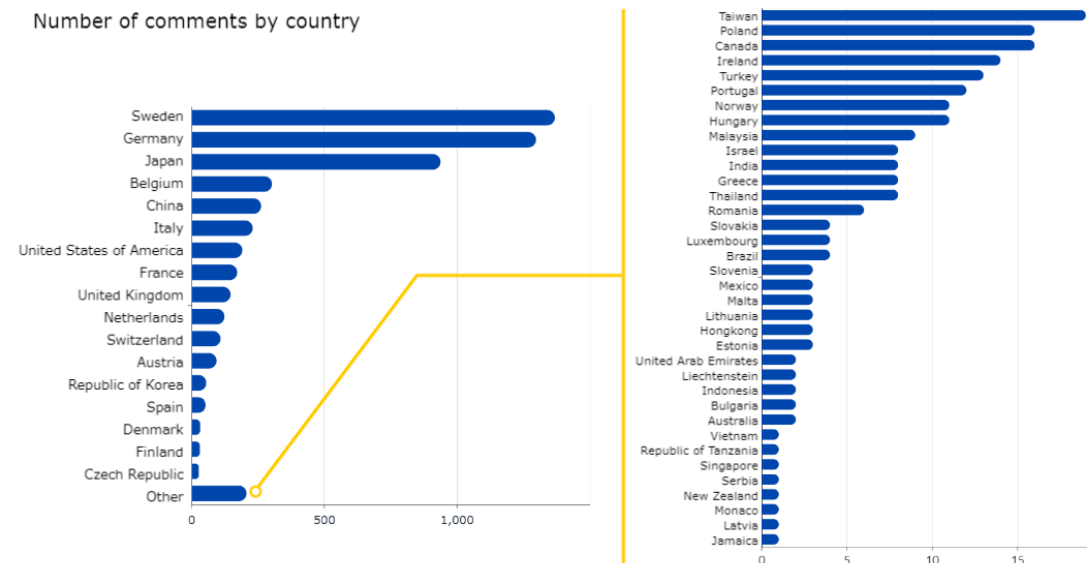


- 53 countries commenting: 28 EEA - 25 non-EEA
- Comments from EEA vs rest of the world: 3835 vs 1806
- Japan 938, China 262, US 191, India 8

Missed uses – references in the proposal

- The proposal distinguished between uses researched in detail, in general and not researched in detail
- Many respondents answered the question on missed uses

Number of comments by country



- ## Missed uses – references in the documents linked to the opinion development

- Not many additional uses reported (RCOM)
- 3 additional uses identified on the Background Document (BD):
 - Bulk IER (Ion exchange resins°
 - Microplastics used as toys or for Do It Yourself (DIY)
 - Microplastics used as packing material for the transportation of sheet glass

A pie chart illustrating the distribution of respondents by organization type. The chart is divided into four segments: a large blue segment for 'Industry or trade associations' (38.4%), a dark blue segment for 'Companies' (30.8%), an orange segment for 'Others' (20.9%), and a small yellow segment for 'Individuals' (9.9%). Each segment is labeled with its category name, count, and percentage. A legend at the bottom identifies the colors: orange for 'Others', yellow for 'Individual', blue for 'Company', and dark blue for 'Industry or trade association'.

Organization Type	Count	Percentage
Industry or trade associations	183	38.4%
Companies	147	30.8%
Others	99	20.9%
Individuals	47	9.9%

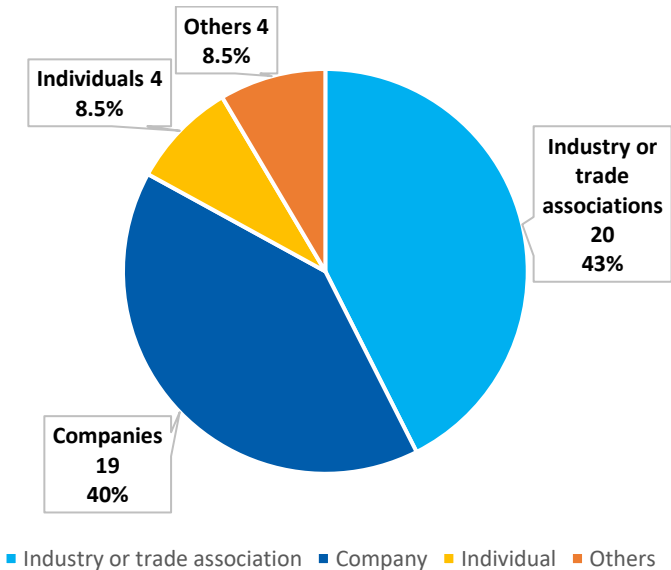
- 27 countries: 20 EEA - 7 non-EEA
- Comments from EEA vs rest of the world: 395 vs 82
- United States 14, Japan 8

Country	Number of Cases
Germany	137
United Kingdom	115
Italy	28
Italy	22
Sweden	16
Spain	14
Poland	8
Denmark	7
Czech Republic	6
Norway	4
Uruguay	2
Slovenia	1
New Zealand	1
Hungary	1
Australia	1

Silicones D4/D5/D6

- 47 comments received
- 83% companies/industry/trade associations
- 8.5% individuals

Number of comments by type of consultee

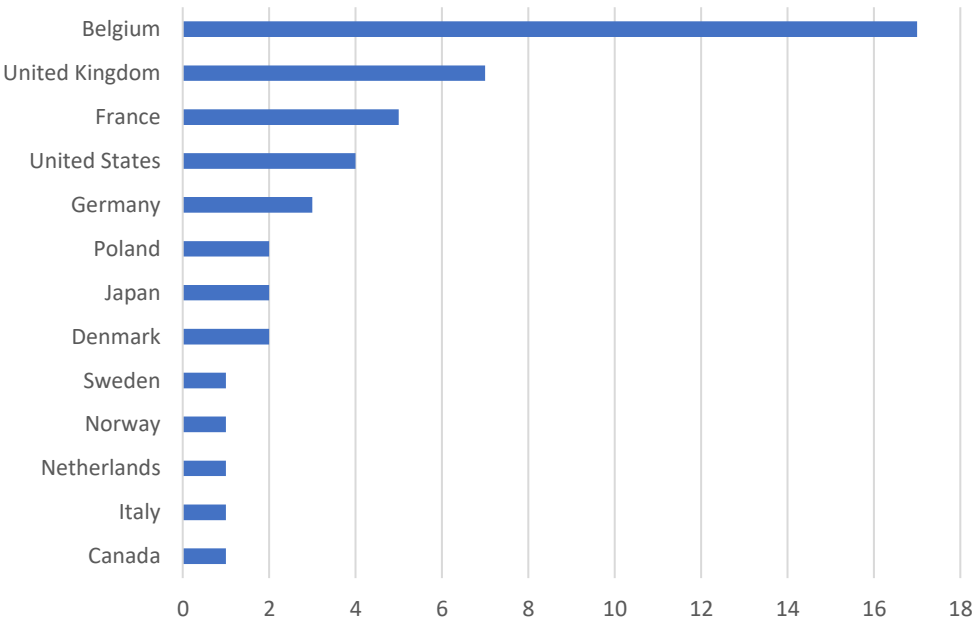


- 13 countries: 10 EEA - 3 non-EEA
- Comments from EEA vs rest of the world: 32 vs 15
- United Kingdom 7, United States 4, Japan 2

Missed uses – references in the proposal

- Not many additional uses reported in the response to comments prepared by the dossier submitter (RCOM)
- One additional use identified on the Background Document (BD) and on the restriction proposal covering cleaning and restoration of art and antiques

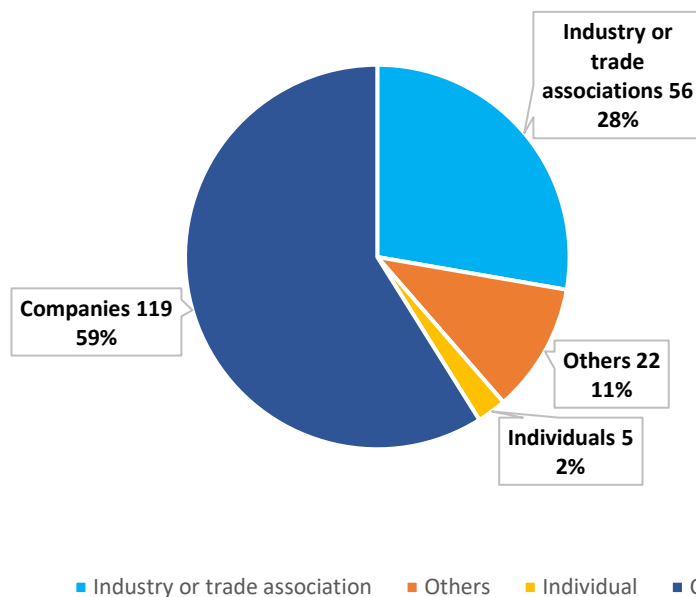
Number of comments by country



Undecafluorohexanoic acid (PFHxA), its salts and related substances

- 202 comments received
- 87% companies/industry/trade associations
- 2% individuals

Number of comments by type of consultee

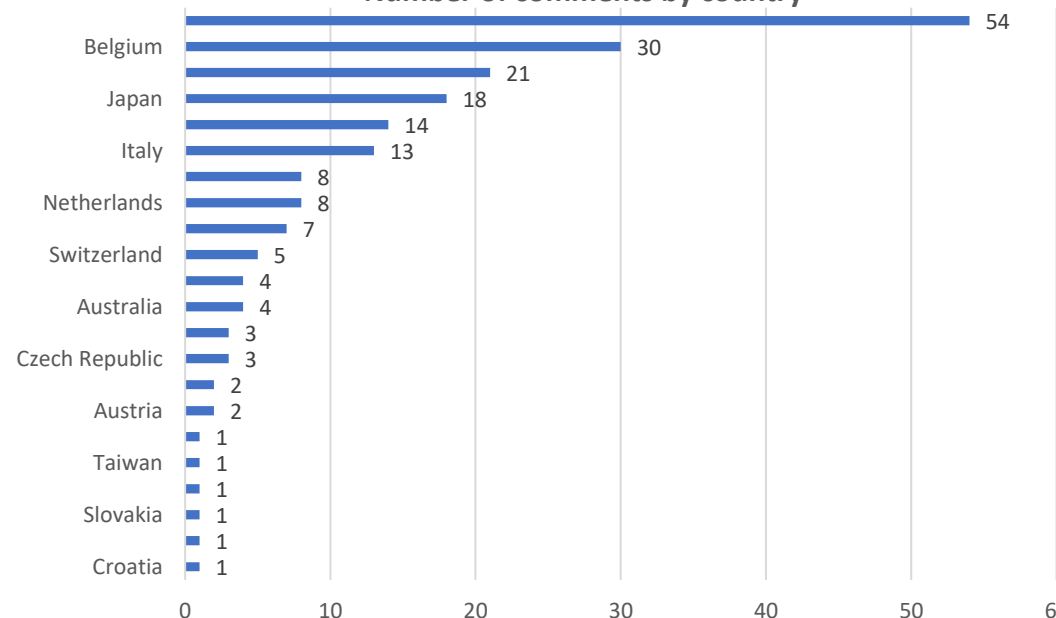


- 22 countries: 13 EEA - 9 non-EEA
- Comments from EEA vs rest of the world: 142 vs 60
- United States 21, Japan 18

Missed uses – references in the documents linked to the opinion development

- Information note on the restriction report acknowledged that stakeholders reported about additional uses during the consultation
- The final background document included a chapter on the additional uses and stated “The Dossier Submitter argues that there are most probably current (and future) uses not identified”

Number of comments by country



Timelines and delays

Comparison of 4 REACH restrictions

RAC/SEAC opinion development (UPFAS)



Main Characters during RAC/SEAC opinion development

Rapporteurs

Propose the draft opinions.
Assess the comments received in the consultation and answer to them in the RCOM and ORCOM.

RAC and SEAC members

Comment on the draft opinions (small group can support more hands on).

Dossier submitters



Support the rapporteurs.
Assess the comments received in the consultation and answer to them in the RCOM and ORCOM.

Revise the background document to include the comments, address the questions and recommendations by RAC and SEAC.

Commission

It is an observer. Provides comments on the different rounds of consultation.



ECHA (Restriction team)

Administrative work as secretariat;
Supports the Chairs, Committees and rapporteurs of RAC and SEAC and facilitates communication between them and the Dossier Submitter(s).

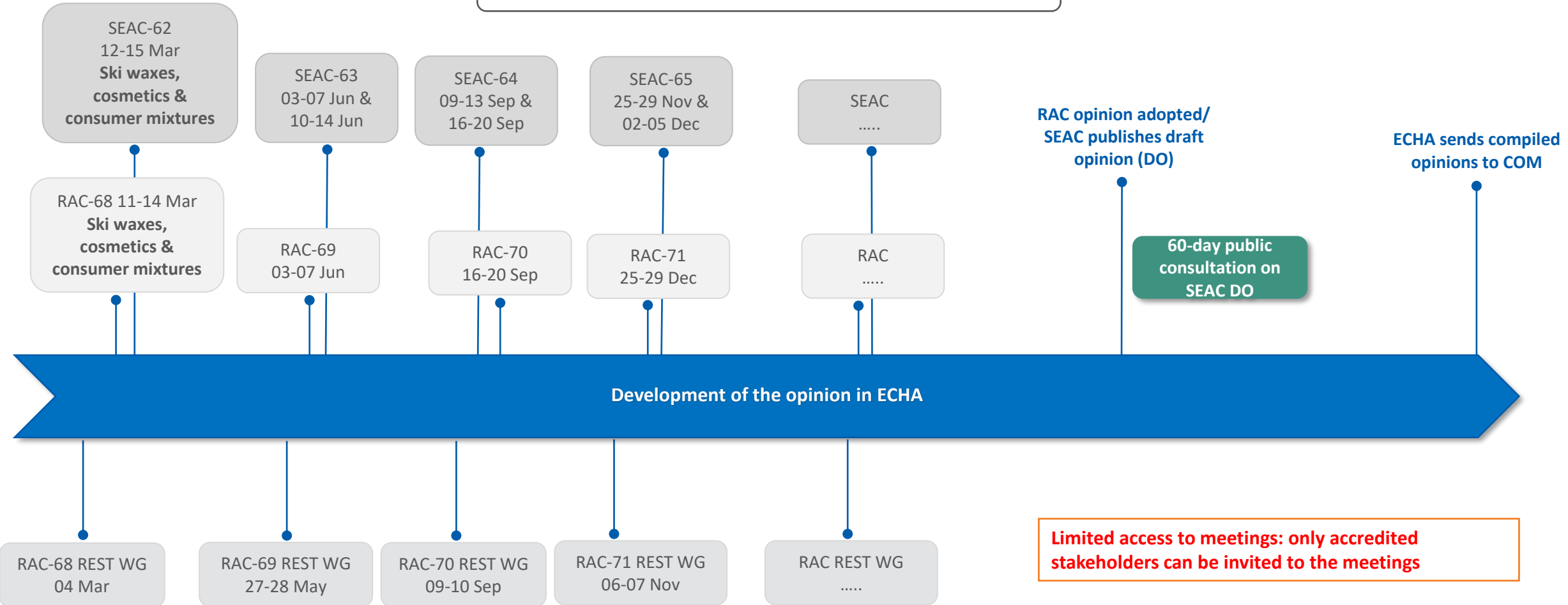
Stakeholders

Regular stakeholders
Occasional stakeholders



RAC/SEAC opinion development– ECHA discussions key dates

Plenary meetings: discussions and decisions



RAC Restriction Working Group meetings: extensive discussions no decisions

RAC/SEAC opinion development– documents publicly available

Publication of the dossier
February 2023

6-month public consultation
22 Mar '23 – 25 Sep '23

Risk Assessment Committee opinion development

Socioeconomic Assessment Committee opinion development

Development of the opinion in ECHA

RAC opinion adopted/
SEAC publishes draft
opinion (DO)

60-day public
consultation on
SEAC DO

ECHA sends compiled
opinions to COM

Publication of responses to
comments table (RCOM)

Publication of responses to comments table
received on the Consultation on SEAC opinion
(ORCOM)

The rapporteurs (RAC & SEAC) will be proposing different draft opinions along the process that will not be publicly available

Dossier Submitters revise the background document*



* the background document is only publicly available following the publication of ECHA public opinions

RAC/SEAC opinion development– knowns and unknowns

Some knowns:

- Discussion in ECHA will be structured following a sector-by-sector approach. Next discussions: ski waxes, cosmetics & consumer mixtures
- The rapporteurs (RAC & SEAC) will be proposing different draft opinions focusing on the different sectors where they can modify the restriction proposal in different ways i.e. adding or deleting derogations
- Access to meetings by stakeholders is limited as ECHA needs to ensure balanced representation between social society and industry, and the number of stakeholders invited should not exceed half of the number of the appointed members
- Access to nonpublic documents (i.e. draft opinions) by stakeholders is granted when stakeholders invited to the meetings

Some unknowns:

- Next sectors to be discussed (June onwards)
- Different draft opinions (nonpublic) to be proposed for every sector
- Full list of criteria used by ECHA when selecting stakeholders to be invited to the meetings and criteria to access nonpublic document by occasional stakeholders



Conclusions

Timelines

- Significant delays to be expected during the process.
- U-PFAS restriction may take at least 4,7 years (microplastics).

Comparison with other REACH restrictions

- U-PFAS restriction is unprecedented
 - It received **12 times more contributions** than the microplastics restriction.
 - **Worldwide impact of the U-PFAS restriction:** non-EEA contributors triple other restrictions; contributions received from US, Japan, China and India.
 - PFHxA only precedent with a number of **missed uses** not covered in the proposal. REACH Annex XV§3 establishes that the proposal needs to assess the use of alternatives and the socio-economic impact of the restriction. Therefore, uses need to be identified.

RAC/SEAC opinion development

- Unprecedented file; highly complex
- Innovative approaches may be adopted to be able to complete the process i.e sector by sector approach
- Important to become an accredited stakeholder to be involved in the discussions

