

REACH: Four Phthalate Plasticisers Approach Their “Sunset Date”

The four phthalates listed in Annex XIV since February 2011, viz. di(2-ethylhexyl) phthalate (DEHP), benzyl butyl phthalate (BBP), dibutyl phthalate (DBP), and diisobutyl phthalate (DIBP) will reach their scheduled sunset date on 22 February 2015 and may not be produced or used in Europe after that date, unless authorisation has been granted for the proposed use or the application for authorisation is still being processed. This prohibition applies solely to substances and mixtures, but not to products. The example of a shoe sole illustrates this situation.

If a synthetic sole is produced within the EU with the use of DEHP as plasticiser, the company or an actor up the supply chain must have obtained authorisation for this application (sole production) from ECHA. A manufacturer using DEHP without authorisation in the EU after 22.02.2015 does so in contravention of the REACH Regulation.

If the same sole is produced outside the EU, e.g. in Asia, with use of DEHP as plasticiser and then imported into the EU, there is no need for the importer to apply for authorisation because it is the finished product, i.e. the sole, which is being imported and DEHP is not being processed as a substance in Europe. In this case the importer is subject to the information obligation only if the substance is present in the product at a concentration exceeding 0.1 percent by mass.

No authorisation is required for cementing finished DEHP-containing soles, whether produced in the EU or imported into the EU, to uppers in the course of footwear production in Europe, because ready-made soles are considered to be finished products.

Arrival of the sunset date will have no implications for those manufacturers who have already done their homework and replaced the four phthalates concerned in their production process. EU manufacturers who are still using one of these four phthalates should rapidly switch to alternative plasticisers to ensure that their products can still be placed on the market.

Further information

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