



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY,
ENTREPRENEURSHIP AND SMES
Ecosystems I: Chemicals, food, retail
DIRECTORATE-GENERAL FOR ENVIRONMENT
Circular Economy and Green Growth

The Directors

Brussels,
GROW.F.1/GS/so
grow.f.1(2023)12526679

**NOTE FOR THE ATTENTION OF
Ms S. MCGUINNESS, EXECUTIVE DIRECTOR, ECHA**

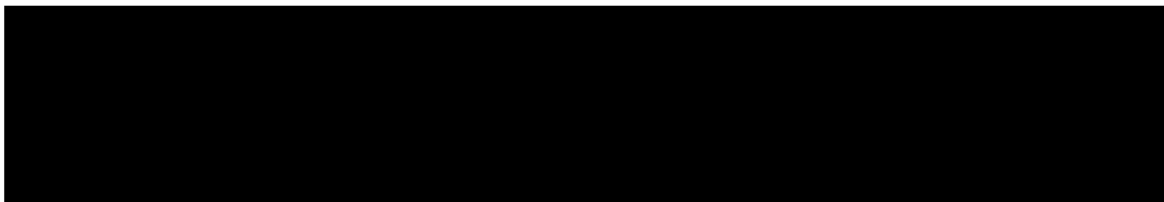
Subject: Request to the European Chemicals Agency to prepare an investigation report to gather further information on flame retardants

On 15 March 2023, ECHA published a report entitled “Regulatory Strategy for Flame Retardants” ⁽¹⁾. The report provided valuable information on risks to human health and the environment from several groups of flame retardants, in particular halogenated flame retardants. The report also concluded that further information is needed to support decisions on the most appropriate regulatory approaches for some (groups of) flame retardants. DG GROW, DG ENV and ECHA identified in their discussions further needs for information.

The Commission would therefore like to ask ECHA to prepare an investigation report that provides further information on flame retardants, with a particular focus on aromatic brominated flame retardants. The purpose of the investigation report, which will support the Commission in a decision of whether a mandate to ECHA for the preparation of a restriction dossier is required and on the scope of such a mandate, should be two-fold:

- 1.) It should in particular provide further information on aromatic brominated flame retardants, including an update on hazard information, which has become available since March 2023 and an assessment of ECHA on whether the substances could fulfil PBT/vPvB-criteria.
- 2.) It should, as far as possible, close information gaps on (groups of) substances used as flame retardants, with a specific focus on data on aromatic brominated flame retardants, and complement the report published by ECHA in March 2023, which would support the Commission in determining possible future regulatory action on flame retardants.

⁽¹⁾ https://echa.europa.eu/documents/10162/2082415/flame_retardants_strategy_en.pdf/9dd56b7e-4b62-e31b-712f-16cc51d0e724?t=1678871526283



More specifically, the report should gather information on the materials, articles and products in which aromatic brominated flame retardants are used, as well as on other flame retardants that can be used in the same materials, articles and products. The report should list any consumer or professional uses. This information will be crucial for informing about alternatives to aromatic brominated flame retardants that are posing an unacceptable risk to human health or the environment. The report should outline as far as possible which alternative substances or technologies are available that provide flame retardancy in the materials or for the uses in which currently aromatic brominated flame retardants are used.

The report should also gather data on emissions of flame retardants from different materials and articles, with a focus on data on aromatic brominated flame retardants. Emission data of other flame retardants should be collected as well, if possible. Data on emissions are necessary for the whole life cycle, including the waste stage of materials and articles.

The report should further comprise information on possibilities to differentiate waste streams of polymeric materials containing different flame retardants (bound in polymers versus additives).

3) The Commission would also like to receive further information on hazard properties for flame retardants that were not covered in the report published by ECHA in March 2023 (for instance inorganic flame retardants) and have meanwhile been assessed by ECHA in reports on the assessment of regulatory needs (ARN) for specific group of substances. The Commission would appreciate the investigation report to contain a summary or overview table of that information.

Timing

DG GROW and DG ENV would appreciate to be informed on the progress of the work on the report on a regular basis, e.g. through quarterly meetings, and to receive the investigation report no later than 31 December 2024. The information should then be published in the form of an investigation report that should be clear and concise and make use of the format of an Annex XV dossier adapted as necessary to the scope of the task requested.

Furthermore, the Commission would like to receive, as soon as possible, a confirmatory letter from ECHA that our request has been accepted.

(e-sign)
Kristin Schreiber
DG GROW

(e-sign)
Aurel Ciobanu-Dordea
DG ENV