



## Questions and Answers on restriction to intentionally added microplastics

Brussels, 25 September 2023

### 1. What is the microplastics ban the Commission adopted today?

Today, the Commission took a big step towards fighting microplastics pollution by adopting measures that restrict microplastics intentionally added to products under the EU chemical legislation REACH.

It is estimated that 42,000 tonnes of microplastics intentionally added to products are released in the EU every year. The new rules will prevent the release to the environment of about half a million tonnes of microplastics.

### 2. Why are microplastics a concern?

Once in the environment, microplastics do not biodegrade and cannot be removed. They accumulate in animals, including fish and shellfish, and are consequently also consumed as food by humans.

Microplastics have been found in marine, freshwater and terrestrial ecosystems as well as in food and drinking water. Their continued release contributes to permanent pollution of our ecosystems and food chains. Exposure to microplastics in laboratory studies has been linked to a range of negative (eco)toxic and physical effects on living organisms.

### 3. What is the aim of the new rules?

The new rules prohibit the sale of microplastics as such and of products to which microplastics have been intentionally added and that release those microplastics when used. Common examples include cosmetics, detergents and infill material for artificial sport surfaces. Products used at industrial sites or not releasing microplastics during use are derogated from the sale ban, but their manufacturers will have to provide instructions on how to use and dispose of the product to prevent microplastics emissions and report the estimated microplastics emissions every year.

### 4. Which products containing microplastics will be affected by this restriction?

The definition of microplastics used in the restriction is broad in scope, covering all synthetic polymer particles measuring less than five millimetres that are organic, insoluble and resist (bio)degradation.

Examples of affected products containing microplastics include:

- The granular infill material used on artificial sport surfaces – this is the largest source of releases of intentionally added microplastics in the environment. The ban applies after 8 years to give pitch owners and managers the time to switch to alternatives and allow for most existing sport pitches to reach their end of life.
- Cosmetics. Microplastics is used in cosmetics for multiple purposes, such as exfoliation or obtaining a specific texture, fragrance or colour. The ban applies immediately for cosmetics containing microbeads, i.e. small plastic beads used for exfoliation. It applies after 4-12 years for other cosmetics, depending on the complexity of the product, the need for reformulation and the availability of suitable alternatives.

### 5. What products are NOT included in the scope of the restriction?

The following products are derogated from the sale ban:

- Products that contain microplastics but do not release them or their release can be minimised, e.g. construction materials;
- Products used at industrial sites;
- Products already regulated by other EU legislation, e.g. medicinal products, food and feed.

Those products can continue to be sold. Their manufacturers will have to report the estimated microplastics emissions from those products to ECHA every year. They will also have to provide instructions on how to use and dispose of the product to prevent microplastics emissions.

Products where the microplastics have not been added on purpose but are present unintentionally, e.g. sludge, compost, are not in the scope of the restriction.

## **6. What is the scientific evidence behind the need for this restriction?**

To tackle microplastics pollution while preventing the risk of fragmentation in the single market, the Commission requested the European Chemicals Agency (ECHA) to assess the risk posed by microplastics intentionally added to products and whether further regulatory action at EU level was needed. ECHA concluded that microplastics intentionally added to certain products are released into the environment in an uncontrolled manner and recommended to restrict them.

ECHA's scientific committees analysed ECHA's suggested restriction of intentionally-added microplastics and supported it, with some recommendations to the Commission. The restriction adopted by the Commission is based on the evidence and recommendations from ECHA and its scientific committees.

## **7. When will the new rules apply?**

The first measures will start applying in 20 days, when the restriction enters into force. However, in most cases, the sale ban will apply after a longer transitional period, to give the time to stakeholders to adapt to the new rules and identify alternatives.

For example, the sale ban applies immediately for cosmetics containing microbeads (small plastic beads used for exfoliation), as their use is already being phased out. It also applies immediately to loose glitter made of plastic.

However, it applies after 4-12 years for other cosmetics, depending on the complexity of the product, the need for reformulation and the availability of suitable alternatives.

For infill material for sport pitches, the ban applies after 8 years to give pitch owners and managers the time to switch to alternatives and allow for most existing sport pitches to reach their end of life.

## **8. How will the Commission support the implementation of the new rules?**

In the past two years, the Commission has replied to many questions from stakeholders and Member States, to explain the upcoming rules and help with their implementation and enforcement.

The Commission now intends to collect those replies in an informal Q&A document that will be made available on the Commission website shortly after the new rules start applying, i.e. before the end of 2023.

## **9. Were stakeholders consulted during the procedure?**

In total, ECHA consulted stakeholders three times on this restriction dossier through a call for evidence in 2018 (March-May), the consultation on the Annex XV restriction dossier in 2019 (May-September) and the consultation on the draft opinion of the Committee for Socio-Economic Analysis in 2020 (July-August).

Stakeholders submitted information on the specific impacts of this possible restriction on their field of interest, as well as the time needed to have suitable alternatives available on the EU market.

## **10. What are the financial implications of this restriction?**

The Commission takes public health and environmental protection very seriously and is committed to curbing microplastics pollution. At the same time, it is committed to Better Regulation and thoroughly analyses all the relevant impacts of its proposals, including on businesses, before taking any decision.

The impacts of this restriction proposal have been estimated by ECHA and assessed by ECHA's Committee for Socio-economic Analysis, also taking into account stakeholders' input on the available evidence.

The costs for all stakeholders, industry, sports clubs, municipalities, are estimated to be up to €19 billion over the next 20 years.

ECHA's committee for Socio-economic Analysis concluded that the expected socio-economic costs of

this restriction are proportionate to the environmental benefits in terms of avoided emissions of microplastics into the environment.

#### 11. **Were Member States and the European Parliament involved in this restriction?**

The Commission drafted a restriction proposal, based on the evidence and recommendations from ECHA and its scientific committees. The draft proposal was published in the Comitology register at the end of August 2022 and notified to the WTO.

The draft proposal was discussed with the Member States in comitology, where the committee delivered a positive opinion on the proposal by qualified majority.

The proposal then successfully passed the 3-month scrutiny of the European Parliament and the Council before being adopted by the Commission on 25 September 2023.

#### **For More Information**

[Press release on the restriction to intentionally added microplastics](#)

[Link to adopted restriction](#)

[European Chemicals Agency on microplastics](#)

[Zero Pollution action Plan](#)

[New Circular Economy Action Plan](#)

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#### Press contacts:

[Johannes BAHRKE](#) (+32 2 295 86 15)

[Ana MARTINEZ SANJURJO](#) (+32 2 29 63066)

[Adalbert JAHNZ](#) (+ 32 2 295 31 56)

[Daniela STOYCHEVA](#) (+32 2 295 36 64)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)