



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMES

DIRECTORATE-GENERAL FOR ENVIRONMENT

**The Directors-General**

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Mr Patrick ten Brink  
Secretary General  
EEB  
Rue des Deux Églises 14-16  
1000 Brussels  
[secretarygeneral@eeb.org](mailto:secretarygeneral@eeb.org)

**Subject: French proposal for an EU restriction of highly hazardous substances in single-use baby diapers**

Dear Mr ten Brink,

Congratulations on your appointment as Secretary General of the European Environmental Bureau.

Your predecessor, Mr Wates, sent a letter on 26 January 2022 on behalf of EEB and other NGOs to Commissioners Breton, Sinkevičius and Kyriakides on the chemical safety of single-use baby diapers. They have asked us to reply. This reply follows on a meeting that the experts responsible for REACH restrictions in DG GROW and DG ENV had with EEB and other NGOs on 16 June.

In the letter, Mr Wates expressed support for a restriction dossier proposed by France on certain hazardous substances in single-use baby diapers and asked the Commission to deviate from the ECHA opinion that concludes that the risk does not justify a restriction as proposed in the restriction dossier.

We fully agree on the overall need and objective to reduce risks from chemicals in these childcare products. In order to address this concern, the Commission has already adopted under REACH some measures restricting specific substances that can be found in these products such as polycyclic aromatic hydrocarbons (PAHs) substances<sup>1</sup>. Other relevant restrictions in consumer products are in the final stages of preparation (e.g. formaldehyde and skin sensitisers restrictions).

We also plan to cover other hazardous substances such as polychlorobiphenyls (PCBs) by an ongoing initiative under the Regulation on Persistent Organic Pollutants (POPs) notably to set unintentional trace contaminant values. Indeed, these substances have been detected in trace levels in single-use baby diapers though they are not intentionally used

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<sup>1</sup> Please see Entry 50 of Annex XVII of REACH

in their manufacture. Their presence is the result of contamination, from raw materials, environment or manufacturing process. We therefore believe that the setting of unintentional trace contaminant values under the POP's Regulation is a more efficient tool than a REACH restriction in this case.

Furthermore, tackling the most harmful substances in childcare products is a priority of the ongoing revision of REACH that extends the generic approaches to risk management to additional hazard classes for consumer products. The preparatory work for a generic restriction based on Article 68(2) for substances that are classified as carcinogenic, mutagenic or toxic to reproduction (CMR) in childcare products has already started, as announced in the recently published Restrictions Roadmap. This will allow to ban all CMRs in baby diapers and not only the limited number of CMRs as in the French restriction dossier.

As to the restriction mentioned in the letter, the Commission has followed the discussions in ECHA's Scientific Committees as an observer and has carefully assessed the final opinion that was submitted to the Commission in April 2022. In the letter it is specifically asked that the Commission deviates from the ECHA opinion and proposes a REACH restriction on the basis of a precautionary approach as it is considered that the risk posed by the presence of the substances under the scope of the restriction is not acceptable due to the vulnerability of new-borns and toddlers.

However, the ECHA opinion (notably the opinion of Risk Assessment Committee (RAC)) concludes that the proposed restriction is not justified because the risk could not be demonstrated for some of the substances and could not be characterised for others. The committee for socioeconomic analysis (SEAC) also considers that there is no basis to support the proposed restriction. The opinion however recommends keeping these substances to a level as low as feasible and preferably not have them present at all in baby diapers. This is exactly the purpose of the measures adopted or pending described above that we believe more efficient and concrete for increasing the protection of children from hazardous chemicals in baby diapers than addressing a limited number of contaminants at trace levels as proposed in the French restriction dossier.

We hope that the above explanations will reassure you that not proceeding with the REACH restriction as requested in EEB's letter is justified and that the Commission has put in place a comprehensive and efficient set of actions to reduce the presence of hazardous chemicals in single-use diapers for infants and children under the age of three.

The European Commission remains firmly committed to deliver on the objectives of the Chemical Strategy for Sustainability to increase the protection of children against the most harmful substances.

Yours sincerely,

(e-sign)  
Kerstin Jorna  
DG Internal Market, Industry,  
Entrepreneurship and SMEs

(e-sign)  
Florika Fink-Hooijer  
DG Environment