

BSEF statement on ECHA's Regulatory Strategy for Flame Retardants

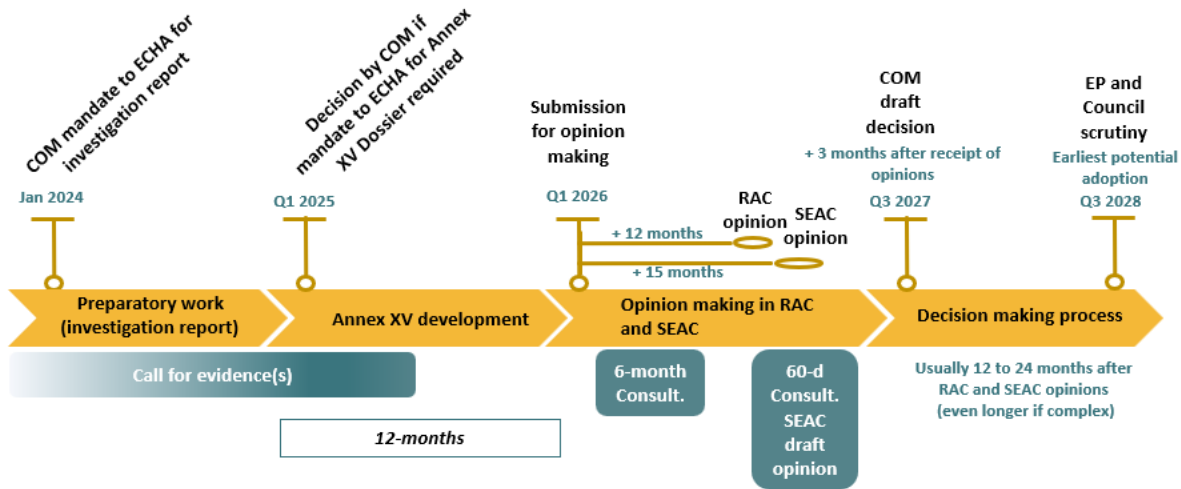
- On 15 March 2023 the European Chemicals Agency (ECHA) published its [Regulatory Strategy For Flame Retardants](#) ("Flame Retardant Strategy"). ECHA's proposed this high-level strategy as a first step towards regulating all substances used as flame retardants, mostly brominated, given their wide use in consumer goods. The strategy outlines a vision for how regulating flame retardants could be expanded and accelerated in the EU however it's important to note envisaged actions may change in scope before any restriction is adopted.
- On the 22nd December 2023, the Commission issued a [mandate](#) to ECHA on preparing an investigation report to gather information on all flame retardants, with a focus on aromatic brominated ones. ECHA has time until the 31st December 2024 to deliver its report which should support the Commission in a decision of whether a mandate to ECHA for the preparation of a restriction dossier is required and if so, what the scope would be.
- **The Flame Retardant Strategy & mandate has no immediate legal consequences.** Currently no restrictions are planned and only data is being collected through two 'calls for evidence'. Any actions identified will still require the initiation of REACH restriction process itself, which is an extensive and complex process. This process will have to take into account detailed assessment of the specific uses of aromatic brominated flame retardants, also risk and exposure assessment, availability of alternative for the use, impact of the restriction on the society and impact on fire safety (compliance with flammability standards), and availability of goods and impacts on strategic supply chains.
- **It will take many years** (minimum 5 and up to 8 years) for any potential restriction to be assessed and enacted. There may be exemptions and probably there will be transitional periods before a substance and/ or use will be phased out, as the inter-substitutability of FRs is one of the aspects that is extremely underestimated in the Flame Retardant Strategy. The process will allow stakeholders to share their views on both the science and the socio-economic impacts of such actions before final adoption.
- ECHA plans to investigate whether reactive and polymeric aromatic brominated flame retardants could be excluded from the scope of the restriction process because risks are adequately controlled.

Next steps in process

1. The Flame Retardant Strategy is a proposal from ECHA. The EU Commission has begun a process by mandating ECHA to undertake further preparatory work during 2024. Another mandate would be needed for the restriction proposal itself (Annex XV report), if considered necessary



2. If agreed per official process (see below), an Annex XV report should be completed and submitted for evaluation by ECHA’s scientific committees and public consultation opened within 12-months of notification (Dossier Preparation)
3. An Evaluation by ECHA’s scientific committees for risk (RAC) and socioeconomic analysis (SEAC) - opinion-making phase (approximately 18 months in duration) will follow
4. Decision making – by Commission with the Member States (REACH Committee); Council and Parliament (approximately 12 months) will lead to a final result.



Disclaimer: at the moment no Restrictions are planned and ECHA is only carrying out preparatory work. The timeline is merely summarizing the worst-case timing in case the COM should at some point decide to mandate a Restriction.

Figure 1: Indicative timeline for a potential restriction of PBT/vPvB aromatic BFRs

BSEF actions

BSEF will continue to engage with the authorities (i.e. in calls for evidence) including the European Commission and ECHA throughout the legislative process, to provide industry input and expertise, and reinforce the critical role of brominated flame retardants, the business needs of our value chains and negative impacts on public fire safety.

Further information

For further information, please contact Michael Hack, Secretary General (mhack@bsef.org) or Patrick Fox, Head of Public Affairs & Advocacy (pfox@bsef.org)

About BSEF

BSEF – the International Bromine Council, is the global representative body for bromine producers and producers of bromine technologies. Originally founded in 1997, BSEF works to foster knowledge on the societal benefits of bromine and its applications. The members of BSEF are Albemarle Corporation, ICL Industrial Products, Lanxess and Tosoh.