

20 April 2010

***Situation of Nonylphenol in REACH Annex XVII***

CEPAD, the Conseil Européen des Phénols Alkylés et Dérivés, a sector group of Cefic, wishes to bring to your attention its comments to the misleading REACH24 Internet publication on Nonylphenol (\*).

Further to the Directive 2003/53/EC of the European Parliament and of the Council of 18 June 2003 amending for the 26th time Council Directive 76/769/EEC, the marketing and use of Nonylphenol (NP) and Nonylphenol ethoxylates (NPE) have been restricted for those uses, which have an impact on the aquatic environment. These are a few specific wide dispersive uses. Other uses, where nearly no releases to the environment occur – e.g. phenolic resins – or which are handled under strictly controlled conditions have been considered to be safe and remain to be permitted. The phrase taken from the REACH 24 internet article is clearly misleading as it states: “*It is described in Annex XVII that nonylphenol shall not be placed on the market or used as a substance or constituent of preparations in concentrations equal or higher than 0.1 % by mass*”. The implication is that all substances or preparations containing NP are subject to marketing and use restrictions, which is clearly not the case.

These statements are evidently irresponsible since they may damage those commercial interests who have products based on NP, NPE and derivatives outside the scope of 2003/53/EC whose regulatory status is now thrown into doubt.

The Commission Regulation (EC) No 552/2009 of 22 June 2009 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction (REACH) has simply transposed the Directive 2003/53/EC into REACH but does not introduce any further restrictions.

(\*): internet link: <http://www.reach24h.com/index.php/news/723-echa-adopts-reach24h-chinas-proposal-to-amend-reach-restriction-annex-on-nonylphenol.html>

