

22 June 2023

(23-4279)

Page: 1/2

Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<p><b>1. Notifying Member:</b> <u>EUROPEAN UNION</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b></p>
<p><b>2. Agency responsible:</b> European Commission <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> European Commission, EU-TBT Enquiry Point, Fax: +(32) 2 299 80 43, E-mail: <a href="mailto:grow-eu-tbt@ec.europa.eu">grow-eu-tbt@ec.europa.eu</a> Website: <a href="http://ec.europa.eu/growth/tools-databases/tbt/en/">http://ec.europa.eu/growth/tools-databases/tbt/en/</a></p>
<p><b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [X], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other:</b></p>
<p><b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Leave-on and wash-off cosmetic products as well as other consumer and professional products.</p>
<p><b>5. Title, number of pages and language(s) of the notified document:</b> Draft Commission Regulation amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards octamethylcyclotetrasiloxane (D4), decamethylcyclopentasiloxane (D5) and dodecamethylcyclohexasiloxane (D6); (5 page(s), in English), (5 page(s), in English)</p>
<p><b>6. Description of content:</b> This draft Commission Regulation aims to complement the existing restriction of D4 and D5 in wash-off cosmetic products (entry 70 of Annex XVII to the REACH Regulation) by restricting the placing on the market of D6 in wash-off cosmetic products. Moreover, it aims to restrict the placing on the market of D4, D5 and D6 on their own, as a constituent of other substances (but excluding polymers) and in mixtures in other consumer and professional products more generally. Finally, it aims to restrict the use of D4, D5 and D6 as a solvent for the dry cleaning of textiles, leather and fur. For ease of legibility, the draft aims to replace the existing entry 70 altogether.</p>
<p><b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> The European Chemicals Agency identified D4, D5 and D6 as having very persistent and very bioaccumulative (vPvB) properties. Moreover, the Agency identified D4 as having persistent, bioaccumulative and toxic (PBT) properties, and D5 and D6 as having PBT properties when they contain 0.1% or more by weight of D4. The hazard properties of D4, D5 and D6 give rise to specific concerns for the environment when present in consumer and professional products that end up released into both the</p>

	aquatic and the atmospheric compartments. The draft restriction aims to minimise the emissions of D4, D5 and D6 caused by leave-on cosmetic products and other consumer and professional products, as well as the emissions of D6 from wash-off cosmetic products; Protection of the environment
<b>8.</b>	<b>Relevant documents:</b> Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH Regulation): <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1423064258789&amp;uri=CELEX:32006R1907">http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1423064258789&amp;uri=CELEX:32006R1907</a>
<b>9.</b>	<b>Proposed date of adoption:</b> 4th quarter of 2023 <b>Proposed date of entry into force:</b> 20 days from publication in the Official Journal of the EU. The restriction will start applying 2 years after entry into force, with longer transitional period for several particular product types.
<b>10.</b>	<b>Final date for comments:</b> 60 days from notification
<b>11.</b>	<b>Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b> European Commission, EU-TBT Enquiry Point, Fax: + (32) 2 299 80 43, E-mail: <a href="mailto:grow-eu-tbt@ec.europa.eu">grow-eu-tbt@ec.europa.eu</a> The text is available on the EU-TBT Website : <a href="http://ec.europa.eu/growth/tools-databases/tbt/en/">http://ec.europa.eu/growth/tools-databases/tbt/en/</a> <a href="https://members.wto.org/crnattachments/2023/TBT/EEC/23_10468_00_e.pdf">https://members.wto.org/crnattachments/2023/TBT/EEC/23_10468_00_e.pdf</a> <a href="https://members.wto.org/crnattachments/2023/TBT/EEC/23_10468_01_e.pdf">https://members.wto.org/crnattachments/2023/TBT/EEC/23_10468_01_e.pdf</a>