

1. Legal amendment

Annex to the Commission Regulation (EU) .../... 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 synthetic polymer microparticles

Paragraph 1 - Point (1) - Table - 2nd column - Paragraph 6 (j)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p><i>(j) from... [OP please insert the date = 6 years after the date of entry into force of this amending Regulation] for granular infill for use on synthetic sports surfaces.</i></p>	<p><i>(j) from... [OP please insert the date = 3 years after the date of entry into force of this amending Regulation] for granular infill for use on synthetic sports surfaces.</i></p> <p>Paragraph 1 and 6(j) shall not apply to the placing on the market of granular infill for use on synthetic sports surfaces subject that the buyers and/or end users have put in place effective risk management measures detailed in the CEN TR 17519 in order to ensure that annual releases of microplastic are below 7g/m2/year.</p> <p>For the derogation as set in the previous sub-paragraph to apply, the risk management measures shall a minima consist in the combination of the below:</p> <ol style="list-style-type: none"> 1. the implementation of general good practices during maintenance operations which shall include, as a minimum, the cleaning of all maintenance equipment prior to it leaving the site boundary, maintaining a single infill brush per pitch area and retaining any cleared snow well within the boundary of the pitch area; 2. the implementation of fine mesh plastic or canvas screening around the perimeter of the pitch; 3. the installation of containment boards to fence posts around all the perimeter of the pitch (this shall be interpreted as requiring a minimum height of 500 mm unless the field margin between the edge of the synthetic surface and the field perimeter is at least 500 mm wide, whereupon lower solid containment barriers of at least 200 mm high are acceptable); 4. the installation of collection grates/mats of at least 5 meters at all field entrances;

	<p>5. the installation of boot cleaning stations at the entrance points to the field;</p> <p>6. the installation of drain filters (including a micro-filter for small particles) into existing stormwater drains.</p> <p>Compliance with the above shall be demonstrated by an independent third-party audit performed once every two years.</p> <p>This derogation applies for 3 years as from the implementation of the ban set in paragraph 6(j). It can be prolonged by an implementing act proposed by the Commission based on a thorough assessment of the risk management measures a set above. This assessment shall be conducted by the Commission in cooperation with [...] using [...]. If the derogation is prolonged, the obligation of risk management measures shall be extended to all existing fields.]</p>
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JUSTIFICATION

A complete ban on the placing on the market of polymeric infills for artificial turf pitches is disproportionate, but even more negative from an environmental perspective since it neither addresses risk to export the problem, nor the question of existing fields.

Given that 90% of the polymeric infills used in Europe are made of recycled rubber from end-of-life tyres (ELTs), such a ban will have major socio-economic consequences on the ELTs recycling/recovery chain in the absence of mature market alternatives. This will also have negative consequences from an environmental point of view given that ELTs-derived infill is among those infills with the lowest carbon footprint and the lowest environmental impacts. It is indeed estimated that the use of ELTs-derived infill in artificial turf pitches avoids 371,000 tonnes of CO₂ eq emissions per year in the EU, comparable to the amount of CO₂ absorbed by 231,000 hectares of forest land. A ban would further imply an increase in exports of ELTs to non-EU countries, resulting in increased CO₂ emissions : more importantly this will just delocalise the risk of releases of microplastic into environment thus still exposing also EU citizens. It does not solve the problem, it will just pass it on.

The ban is further contradictory from an environmental point of view, given that it foresees 6 years transition period during which polymeric infill material will continue to be sold and pitches installed without risk management measures (RMM), increasing the number of pitches which have a potential release of microplastics that will remain operational until their end of life while not addressing the existing situation.

In this context, a derogation on infill derived from ELTs recycling with implementation of Risk-Management-Measures would be the best option in terms of environmental risk-management, while addressing the socio-economic impacts for the ELTs recycling/recovery chain.

Such a derogation with a clearly defined mandatory combination of RMM to be used would further address the concerns of ECHA's Committee for Risk Assessment (RAC). It indeed appears that the RAC had a preference for a complete ban over a ban with an exemption on the basis of use of RMMs (Option A), given notably the concerns

it had about the practicality and enforceability of RMMs, in the absence of any clear guidance indicating the combination of which ones should be implemented.

Consistent with the above, the amendment proposes to clearly define the combination of RMM that should *a minima* be used for the derogation to apply. Independent third-party audits will further ensure effective compliance with the combination of RMM. The RMM retained in this context are those the RAC has itself identified in its Opinion of 19 March 2021 as capable of limiting infill dispersion to levels below 7g / m²/ year, with possible application to pre-existing fields. A recent published study, prepared by NORCE Norwegian Research Centre on behalf of the municipality of Bergen as again proved the RMM are efficient to drastically limit the dispersion of rubber granulate to surroundings (with an annual loss of 3,1 kilos a year, maximum 6,3 kilos in extensive conditions of use).

Furthermore the derogation could be initially set as from 3 years and for a 3 years duration, thus not increasing any risk compared to the full ban as from 6 years as initially proposed (3+3 = 6). This would allow for a thorough assessment of the RMM, in order to decide the prolongation of the measures; at this occasion, the RMM could be made mandatory including for all existing fields.