



**EUROPEAN COMMISSION**

Directorate-General for Environment

**Green Economy**

**Chemicals**

Directorate-General for Internal Market, Industry, Entrepreneurship and SME's

**Consumer, Environmental and Health Technologies**

**REACH**

**Chemicals**

Brussels, 21/12/2015

**Concerns:** **Follow-up to document CACS/40/2015 - Interpretation of entry 50 of Annex XVII to REACH: Applicability of the restriction in paragraph 5 of entry 50 to REACH as regards PAH to rubber infill used in synthetic turf and to rubber tiles placed on the market for use in public places**

**Action Requested:** **The REACH and CLP Competent Authorities, as well as all concerned stakeholders are invited to take note of this document**

Regulation (EU) No 1272/2013 amended entry 50 of Annex XVII to REACH by introducing paragraph 5 which states:

*“Articles shall not be **placed on the market for supply to the general public** if any of their rubber or plastic components that come into direct as well as prolonged or short-term repetitive contact with the human skin or the oral cavity, under normal or reasonably foreseeable conditions of use, contain more than 1 mg/kg (0,0001% by weight of this component) of any of the listed PAHs.” (emphasis added)*

This provision was adopted on 6 December 2013 and will apply from 27 December 2015.

The Commission and a Member State have recently been approached by recyclers of end-of-life tyres that place on the market rubber granules which are used as infill material in artificial turf sports grounds, as well as in the manufacture of rubber tiles used as shock-absorbent flooring in playgrounds or other public places, which are accessible to the general public. These operators have expressed serious concern about the potential applicability of the restriction to such rubber infill and tiles, since they have hitherto considered themselves excluded from the restriction on the basis that these products are not sold directly to the general public but to professionals who install them on behalf of for example sports clubs or public authorities, and have asked for urgent clarification by the Commission, given the imminent application of the measure. According to information provided by the European Tyre and Rubber Manufacturers Association (ETRMA), over 15 000 sports fields use artificial turf in Europe and approximately 560 000 t of rubber granules obtained from end-of-life tyres are used in making infill for synthetic turf and rubber tiles every year.

The Commission had a preliminary discussion with Member States and stakeholders on this matter at the meeting of the Competent Authorities for REACH and CLP (CARACAL) held in Brussels on 12 and 13 November. According to the comments received it is apparent that there are divergent interpretations on whether these products are within the scope of the restriction, including from operators which have expressed that several companies have already made substantial investments to meet REACH obligations since they considered these products covered by the restriction.

The Commission is currently examining the legal interpretation of entry 50(5) of Annex XVII of REACH in relation to rubber infill material and tiles that are intended to be installed by professionals in places accessible to the general public and will communicate its conclusions within the shortest possible time. Until the matter is clarified, it is up to the Member States to determine enforcement measures and their priority on the restriction in relation to rubber granules in turf and to rubber flooring being placed on the market for installation in public places.