

# Ban on microplastics under REACH

TÜV Rheinland LGA Products - Information

October 2023

From 17 October 2023, new Regulation on the use of intentionally added microplastic particles are into force in the European Union.

Commission Regulation (EU) 2023/2055<sup>1</sup> amending Annex XVII REACH as regards synthetic polymer microparticles was published in the Official Journal of the European Union on 29 September 2023.

The Commission drafted this restriction Regulation on the basis of the ECHA report and the joint opinion of the committees<sup>2</sup>.

This is an important step towards a cleaner environment. For a wide range of applications, the intentional addition of microplastic particles will no longer be allowed. This will ensure that as few persistent microplastic particles as possible are released into the environment.

As usual, the Regulation will enter into force 20 days after its publication and will therefore directly restrict cosmetics containing microbeads (microbeads as abrasive particles) as well as microplastics in toys, such as glitter in soap bubbles, from 17 October 2023. With so many everyday products containing microplastics, the question now is what needs to be considered.

In order to give retailers and manufacturers enough time to develop alternatives and change production, the restrictions will be phased in for different applications (from 4 to 12 years). These include other cosmetics containing microplastics ('rinse-off'/'leave-on'), encapsulated fragrances, but also detergents, polishes and air fresheners.

## SCOPE OF APPLICATION

In general, polymeric microparticles may not be marketed as such or in mixtures at a concentration of 0.01 percent by weight (wt%) or greater.

This refers to particles made of plastic with a size between

- 0.1 µm and 5 mm or
- 0.3 µm and 15 mm for elongated particles/fibers (length to diameter ratio > 3).

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R2055>

<sup>2</sup> <https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e18244cd73>

## FURTHER INFORMATION ABOUT THE NEW SVHC

Mixtures containing a liquid / gel with plastic particles (> 0.01 wt%) or plastic particles as such are affected, such as:

- Cosmetics containing microbeads (abrasives, e.g. for exfoliation or cleansing) - Direct ban
- Cosmetics with other microplastics,  
Transition periods 4 years for "rinse-off" cosmetics, 6 years for "leave-on" cosmetics, 12 years for special cosmetics such as lipsticks, nail polish, make-up
- Detergents, polishes, air fresheners - transition period 5 years
- Encapsulated fragrances - transition period 6 years
- Glitter powder for sprinkling,
- Crayons with glitter,
- Finger paint and slime with glitter
- Polystyrene spheres or other spheres made of polymers with a diameter of < 5 mm,
- If applicable, microencapsulated substances/mixtures e.g. in cosmetics, paints and other applications
- ...



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*It should be noted that metal powder (aluminum, mica) can also be used for glitter effects. This would then not be in the application range.*

## EXCEPTIONS

- Natural polymers, e.g. cellulose or polymers without a carbon chain, e.g. silicone rubber
- Biodegradable polymers as glitters (Appropriate test methods are listed in Appendix 15.)
- Water-soluble polymers according to Annex 16
- Water beads (super absorbent polymer) with a diameter of > 5 mm in the swollen state (the state during the intended end use applies, exception 5b)
- if the microplastic is retained by technical means and is not released into the environment during use. e.g. the filling of a toy, seat cushion with EPS beads. (Exception 5a)
- if the microplastic changes during use in such a way that it is no longer a microplastic, e.g. a modeling clay made of plastic particles that is melted in the oven in such a way that the final shape is no longer a microplastic in the sense of the regulation. e.g. ironing beads (Exception 5b)
- if the microplastic is permanently incorporated into a solid matrix during end use. e.g. glitter glue, glitter wall paint, gel pens with glitter, (exception 5c).

Further exemptions are described for specific applications and situations in the legislative text of entry 78 of Annex XVII of the Regulation.

<sup>3</sup> Source: [www.pixabay.com](http://www.pixabay.com)

## NOT IN SCOPE

Microplastics in a product, such as a garment with glitter or sequins, a Christmas bauble with glitter and other products with glitter particles, are not regulated according to the current understanding of the legal text of the restriction. (It should be noted that there are actually other views on this, even within the European Commission, which could be introduced at a later stage via guidelines and FAQs if necessary).

Similarly, we do not consider small plastic products (< 5 mm), such as beads for stringing, confetti-like stars, snowflakes, etc., punched out of foil, etc., as mixtures, but as individual products.

Glitter powder intended to be sprinkled on adhesive surfaces or on applied adhesive is also not covered by the prohibition on closer inspection, as the purpose of this craft technique is to fix the glitter powder in place on an article (exception 5c).



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## EXTENDED TRANSITION PERIODS

Long transition periods apply to individual products and product groups according to paragraph 6, e.g:

- Microparticles for the encapsulation of perfumes, cosmetics, detergents, waxes, polishes and air fresheners (see page 2).
- Pesticides and fertilisers
- Infill granules for synthetic sports surfaces

## HANDLING ADVICE

Check, which of your mixtures may contain microplastics. As described above, there are alternative polymers (natural, water soluble, biodegradable) or even metal powders that can be used to achieve comparable effects. As you can see, there is a lot of room for interpretation when it comes to product classification. Please consult the Commission, ECHA, the national Helpdesk, your competent authority or your lawyer.

## ANALYTICAL SERVICES

As part of the implementation of the Regulation, we offer the following analytical options

- Determination of the degradability of polymers
- Identification of microparticles (polymer, polymer type, metal or mineral?)
- Determine the amount of microplastic particles (%) in a mixture
- Water solubility testing

Further information on current legal changes can also be found on our homepage at [www.tuv.com](http://www.tuv.com) or <https://www.tuv.com/regulations-and-standards/en/>.

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