

Draft legislative proposal for the restriction of formaldehyde and formaldehyde releasers in articles and vehicles

- Position paper -

Formacare supports a restriction on formaldehyde and formaldehyde releasers in articles and vehicles under REACH, to address the risk for consumers from articles with potentially high emissions of formaldehyde, to tackle unfair competition on articles coming from outside Europe, and to harmonise the quality of articles within Europe regarding potential health effects, in particular concerning wood-based panels. In this regard, we thank the European Commission for the draft proposal for a restriction on formaldehyde and formaldehyde releasers in articles, published on May 2nd, 2022.

In line with the views of the Scientific Committees in ECHA, Formacare supports the proposed limit values for formaldehyde emissions, respectively of 0.062 mg/m³ for wood-based panels and furniture, of 0.08 mg/m³ for other articles, and of 0.062mg/m³ for vehicles. Formacare further supports the proposed transition periods of 3 years for articles and 4 years for vehicles.

However, **Formacare cannot support the draft proposal as a whole** as it does not provide the necessary provisions to ensure a level-playing field for articles in which formaldehyde and formaldehyde releasers are intentionally used. On the contrary, the draft proposal entails a high risk of diverging national implementation and is thus expected to lead to the fragmentation of the EU Single Market for all articles covered by the restriction.

Therefore, Formacare calls on the European Commission, in concertation with the national competent authorities in the REACH Committee, to delete the following paragraph from the Annex, section 1.1 (page 4) to the restriction proposal:

- *“Formaldehyde released from articles referred to in paragraph 1, first subparagraph, of entry xx] may also be measured in the air of a test chamber under the reference conditions that are more stringent than the ones listed in the first paragraph of this point; higher temperature and/or higher relative humidity and/or higher loading factor and/or lower air exchange rate shall be considered to be more stringent conditions.”*

We would like to raise the following concerns about this paragraph:



- Enforcement of the restriction cannot be guaranteed as the restriction proposal does not provide reliable testing conditions for the measurement of formaldehyde emissions from articles, which may lead to the use of non-standardised methods across Europe.
- The lack of reliable testing conditions is inconsistent with the Delegated Regulation (EU) 2021/2139, which establishes the technical screening criteria on taxonomy for climate change mitigation or adaptation¹.
- Consequently, if this paragraph is kept in the final restriction, it would open the EU single market to unfair competition and a risk of not achieving the objective of improving the safety of articles placed on the EU market, in contradiction with the objectives of the REACH regulation.

Formacare calls on the European Commission and competent authorities in the REACH Committee to address our concerns and to make this restriction a success for both consumer safety and the European industry.

About Formaldehyde

Formaldehyde is a naturally occurring chemical widely produced for applications such as glues for wood panels, coatings for paints, lubricants, high-end plastics, etc. The formaldehyde value chain provides direct jobs to 30,000 people in Europe, with as many as 1,7 million jobs in downstream sectors being supported by formaldehyde applications.

About Formacare

Formacare is the formaldehyde sector group of the European Chemical Industry Council (Cefic) representing key European producers of formaldehyde, aminoplast glues and polyols. Made up of representatives from large chemical and manufacturing companies across Europe, Formacare promotes the safe use and manufacturing of formaldehyde in accordance with the strictest health, safety and environmental regulations.

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¹ Under this legislation, building components and materials used in construction must emit less than 0,06 mg of formaldehyde per m³, tested in accordance with the conditions specified in Annex XVII to Regulation (EC) No 1907/2006.