



## Questions and Answers on essential use chemicals

Brussels, 22 April 2024

### 1. Why did the Commission develop the essential use concept?

Chemicals are the building blocks of everything we see around us. Manufactured chemicals are at the heart of most consumer products as well as Europe's major value chains, such as electronics, transport, including batteries for electric vehicles, but also construction materials, and more.

At the same time, exposure to harmful chemicals may lead to severe chronic health effects, long-term environmental impacts and contamination of our food and water resources. All this results in high costs to society, for example for health care and pollution remediation.

One of the main goals of the [Chemicals Strategy for Sustainability](#) is to increase the level of protection and prevent **harm to humans and the environment, in particular by phasing out the most harmful substances**, while providing incentives to invest into safer and more innovative solutions.

As part of the Chemicals Strategy for Sustainability, the Commission has committed to develop an essential use concept in order to ensure that the most harmful chemicals are only allowed if their use is essential for society.

The aim of the concept is to increase the protection of health and environment by **accelerating the phase-out of the uses of the most harmful substance that are non-essential** and, where they are essential, to provide time for their substitution in a manner predictable to market operators.

### 2. What are essential uses?

In [today's Communication](#), the Commission defined that a use of a most harmful substance is essential only if the following criteria are met:

- its use is necessary for health or safety or is critical for the functioning of society

**and**

- there are no acceptable alternatives.

These **criteria are cumulative**. Thus, for a use to be essential, both criteria must be met. They also provide for flexibility to consider specificities and existing definitions in pieces of EU legislation where the concept could be integrated and applied.

The concept of essential use brought by this Communication will only have legal effect when introduced into specific legislation. So far, no EU legislation contains a legal definition of essential uses of substances.

### 3. What is the scope of the essential use concept?

The essential use concept can be used in specific EU legislation to determine when **a use of a most harmful chemical** is essential for society. In other words, when it is justified - from a societal point of view - to use most harmful substances.

The essential use concept is about specific uses of certain chemicals. The use of a substance may be essential in one product or context, but not in another. In addition, not all uses may be essential within a sector.

### 4. Which chemicals are considered 'the most harmful chemicals'?

The most harmful chemicals listed in the Chemicals Strategy for Sustainability are substances that

cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bio-accumulative; chemicals affecting the immune, neurological or respiratory systems; and chemicals toxic to a specific organ.

The inclusion of substances that are persistent and mobile (recently introduced as a new hazard class under the CLP Regulation) in the most harmful substances will be subject to further assessment.

## **5. What would be considered as necessary for health or safety? What would be considered as critical for the functioning of society?**

The criteria for uses that could be considered as necessary for health or safety, or critical for the functioning of society, are outlined in the Annex to the [Communication](#).

For example, critical uses can be those that are **providing resources or services that must remain in service for society to function**.

This may cover the cases where the **technical function of a substance is critical to provide infrastructure, service or maintenance** – for example in energy conversion, mobility, transport, healthcare, digital technologies or services –, or to provide infrastructure and equipment to ensure defence and security to society.

In practice, no general conclusions can be made upfront, and each specific use will need to be assessed on its own merit against the criteria.

## **6. What is the definition of 'use' in the context of the essential use concept? Does it apply to substances or products, or both?**

The essential use concept applies to uses of substances on their own, in mixtures, articles, products or processes.

The [Communication](#) defines the use as 'any processing, formulation, consumption, storage, keeping, treatment, filling into containers, transfer from one container to another, mixing, production of an article or any other utilisation'.

To be able to assess the essentiality of a particular use of a substance, it is necessary to look at both the technical function of the substance in the particular use, as well as at the context of that use. A substance may be essential to use in one product but not in another.

## **7. How will this initiative benefit businesses?**

The [Communication](#) will benefit companies and businesses by providing predictability in terms of types of chemical substances and uses which shall be targeted for phase-out by future regulatory processes, and which ones may continue to be used to fulfil societal needs, provided there are no alternatives available. Thereby it provides clear signals on where investment and substitution efforts shall be directed, and an investment horizon for maintaining or increasing production capacity in the EU, in particular to support the green and digital transition or strengthening defence capabilities, when technologies or products currently rely on the most harmful substances.

The [Communication](#) also provides incentives for more research and innovation into safer and more sustainable alternatives for the most harmful substances. It will also promote innovative companies which can offer acceptable alternatives or toxic-free consumer products.

The initiative will help position the EU industry as a global front-runner, capitalising on a high consumer demand for safer, toxic-free products in the large EU Single Market.

Finally, this concept can also be a tool to provide incentives under voluntary schemes such as sustainable finance and possibly other initiatives aiming to promote and reward the transition to safe and sustainable products and practices.

## **8. How will the Communication on essential use interact with ongoing legislative initiatives such as the REACH restriction of PFAS, the revision of REACH, and any other legislative revisions?**

The [Communication](#) sets out the guiding principles and criteria for the essential use concept. It defines the guiding principles and criteria for incorporating the concept in EU legislation in a

harmonised way and clarifies that, when incorporating the concept into EU legislation, the specificities of the legislation and of the regulated area must be carefully considered. The essential use concept has only legal effect once included in legislation. This would happen based on an impact assessment.

Currently, the concept is not part of the REACH regulation, and hence not of current initiatives like the PFAS restriction. However, the Communication reiterates and further clarifies that the Commission is committed to phasing out the most harmful substances, while at the same time still allowing for their use where proven essential for society, and in particular for ensuring the green and digital transition.

## **For More Information**

[Press release](#)

[Communication on essential use](#)

QANDA/24/2152

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