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| **THE FRENCH REPUBLIC** | | |
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| Ministry of Ecological Transition  Ministry of Solidarity and Health | | |
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Draft Order of

laying down the list of substances with endocrine disrupting properties referred to in I and II of Article L. 5232-5 of the Public Health Code and the categories of products presenting a particular risk of exposure referred to in Article L. 5232-5 of the Public Health Code

NOR:

***Persons concerned:*** *Any person who places on the market products for consumers which, at the end of their manufacture, contain substances which the French Agency for Food, Environmental and Occupational Health & Safety (ANSES) qualifies as having verified, presumed or suspected endocrine disrupting properties*

***Purpose:*** *This Order identifies:*

* *substances with endocrine disrupting properties classified as verified and presumed, referred to in Article L. 5232-5 of the Public Health Code, including the information on the presence in the products referred to in Article R. 5232-19 of the Public Health Code must be made available to the public by the persons who place them on the market;*
* *substances with endocrine disrupting properties classified as suspected, referred to in Article L. 5232-5 II of the Public Health Code;*
* *categories of products with a particular risk of exposure to which the obligation to provide information on the presence of endocrine disrupting substances classified as suspected applies.*

***Entry into force:*** *The text shall enter into force on 1 January 2022.*

***Notice:*** *Article 13-II of Law No 2020-105 of 10 February 2020 on combating waste and the circular economy, so-called ‘AGEC’, provides that any person placing products on the market for consumers containing substances for which the French Agency for Food, Environmental and Occupational Health & Safety (ANSES) classifies the endocrine disrupting properties as verified or suspected must “provide information to the public by electronic means, in an open, easily reusable and exploitable format by an automated processing system, for each of the products concerned, to identify the presence of such substances in those products”. This obligation also applies to certain categories of products with a particular risk of exposure, for substances which endocrine disrupting properties are suspected by ANSES.*

*This obligation is in line with the objectives of the Second National Endocrine Disruptors Strategy (NSPE2). It aims to provide citizens with transparent information on the presence of substances with endocrine disrupting properties in products, in the sense of substances, mixtures, articles and foodstuffs.*

*The detailed rules for the application of this legislative provision have been laid down in Articles R. 5232-19 to R. 5232-22 of the Public Health Code. Article R. 5232-19 provides that a joint order of the ministers responsible for health and the environment sets out, on a proposal from ANSES:*

* *the list of substances with endocrine disrupting properties referred to in I of Article L. 5232-5, divided into two categories, verified and presumed, according to the level of scientific evidence;*
* *the list of substances with suspected endocrine disrupting properties referred to in Article L. 5232-5;*
* *the categories of products presenting a particular risk of exposure referred to in II of Article L. 5232-5, with regard to the exposed populations, the conditions of use and disposal of those products and other relevant criteria.*

***References:*** *the text can be found on the Légifrance website (http://legifrance.gouv.fr).*

The Minister for Ecological Transition and the Minister for Solidarity and Health

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products

Having regard to the Public Health Code, in particular Article L. 5232-5 in its wording resulting from Article 13 of Law No 2020-105 of 10 February 2020 on combating waste and the circular economy and Article R. 5232-19 thereof;

Having regard to the opinion of the French Agency for Food, Environmental and Occupational Health & Safety issued on XXXX;

Hereby decree:

Article 1

Substances with verified and presumed endocrine disrupting properties referred to in I of Article L. 5232-5 of the Public Health Code are listed in Table A in Annex I to this Order.

Article 2

Substances with suspected endocrine disrupting properties referred to in Article L. 5232-5 II of the Public Health Code are listed in Table B in Annex I to this Order.

Article 3

The categories of products presenting a particular risk of exposure referred to in Article L. 5232-5 II of the Public Health Code are listed in Annex II to this Order.

Article 4

The provisions of this Order shall enter into force on 1 January 2022.

Article 5

This Order shall be published in the *Official Journal* of the French Republic.

Made on [date]

The Minister for the Ecological Transition,

For and on behalf of the Minister:

The Director-General for Risk Prevention,

Cédric BOURILLET

The Minister for Solidarity and Health,

For and on behalf of the Minister:

The Director-General for Health,

Jérôme SALOMON

Annexes

Annex I: List of substances with endocrine disrupting properties referred to in I and II of Article l. 5232-5 of the Public Health Code

TABLE A: List of substances with verified and presumed endocrine disrupting properties referred to in Article L. 5232-5 of the Public Health Code

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| **Substance name** | **CAS number** | **CE number** |
| 4,4-(1-methylpropylidene)bisphenol | 77-40-7 | 201-025-1 |
| Tris(4-nonylphenyl, branched and linear) phosphite (TNPP) with at least 0.1 % w/w of 4-nonylphenol, branched and linear (4-NP)   * Tris(4-nonylphenyl, branched) phosphite * Phenol, 4-nonyl-, phosphite (3:1) * Tris(nonylphenyl) phosphite | -  3050-88-2  26523-78-4 | 701-028-2  608-492-4  247-759-6 |
| Reaction products of 1,3,4-thiadiazolidine-2,5-dithione, formaldehyde and 4-heptylphenol, trendy and linear (RP-HP)  [with ≥ 0.1 % w/w 4-heptylphenol, branched and linear] | - | - |
| 4-tert-pentylpheno l(PTAP) | 80-46-6 | 201-280-9 |
| Diisobutyl phthalate (DIBP) | 84-69-5 | 201-553-2 |
| Dicyclohexyl phthalate (DCHP) | 84-61-7 | 201-545-9 |
| Dibutyl phthalate (DBP) | 84-74-2 | 201-557-4 |
| Cholecalciferol | 67-97-0 | 200-673-2 |
| Butyl 4-hydroxybenzoate | 94-26-8 | 202-318-7 |
| 4,4’-isopropylidenediphenol (bisphenol A) | 80-05-7 | 201-245-8 |
| Bis(2-ethylhexyl) phthalate (DEHP) | 117-81-7 | 204-211-0 |
| Benzyl butyl phthalate (BBP) | 85-68-7 | 201-622-7 |
| 4-tert-butylphenol | 98-54-4 | 202-679-0 |
| 4-Nonylphenol ethoxylate, branched and linear, [substances, having a linear and/or branched alkyl chain, of 9 covalently bound carbon atoms in phenol position 4, ethoxylated, covering UVCB substances and well-defined substances, polymers and homologues, which include all individual isomers and/or combinations thereof] | - | - |
| 4-Nonylphenol, branched and linear [substances, having a linear and/or branched alkyl chain, of 9 covalently bound carbon atoms in phenol position 4, ethoxylated, covering UVCB substances and well-defined substances, polymers and homologues, which include all individual isomers and/or combinations thereof] | - | - |
| 4-heptylphenol, branched and linear (4-HPbl) | - | - |
| 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated — covering well-defined substances and UVCB, polymers and homologous substances | - | - |
| 4-(1,1,3,3-tetramethylbutyl)phenol | 140-66-9 | 205-426-2 |
| 1,7,7-trimethyl-3-(phenylmethylene)bicyclo[2.2.1]heptan-2-one (3-benzylidene camphor) | 15087-24-8 | 239-139-9 |

TABLE B: List of substances with suspected endocrine disrupting properties referred to in Article L. 5232-5 II of the Public Health Code

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| **Substance name** | **CAS number** | **CE number** |
| **-** | **-** | **-** |

Annex II: List of product categories presenting a particular risk of exposure referred to in Article L. 5232-5 II of the Public Health Code

Not applicable