



Federation of the European
Sporting Goods Industry

FESI Position Paper

Preserving REACH as a global benchmark for chemical regulation

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1. Introduction

The Federation of the European Sporting Goods Industry (FESI) welcomes the European Commission's initiative to revise the REACH Regulation, one of the most comprehensive pieces of chemical legislation globally. FESI and its members have long supported REACH's objectives: to ensure a high level of protection of human health and the environment, while maintaining the internal market and enhancing competitiveness and innovation.

Our members are at the forefront of voluntary chemical management best practices. Many companies already apply comprehensive Restricted Substances Lists (RSLs) and Manufacturing Restricted Substances Lists (MRSLs) such as those developed through the Apparel and Footwear International RSM Management (AFIRM) Group and Zero Discharge of Hazardous Chemicals (ZDHC) programme. These tools go beyond regulatory requirements and are part of industry-led efforts to phase out hazardous substances and ensure safe and sustainable product manufacturing across global value chains.

However, we are increasingly concerned that recent and upcoming initiatives under the European Green Deal and the Chemicals Strategy for Sustainability (CSS), including Green Claims Directive (GCD), the Ecodesign for Sustainable Products Regulation (ESPR), and emerging concerns around "Substances of Concern" (SOCs), risk diluting the role of REACH. These frameworks, while often well-intentioned, have started to introduce de facto restrictions or compliance demands outside the REACH framework, potentially undermining REACH's legal certainty, transparency, and risk-based methodology.

Recommendation:

FESI urges EU policymakers to reaffirm REACH as the primary instrument for chemical risk regulation in the EU, to streamline its processes to better support businesses, particularly SMEs, and to ensure that new initiatives complement rather than circumvent REACH.

2. REACH must remain the cornerstone of EU chemicals legislation

REACH has set a global benchmark for risk-based chemical management. Its principles — notably the requirement for industry to demonstrate safe use, the prioritisation of substances of very high concern (SVHCs), and the central role of ECHA — remain sound. Fragmenting chemical regulation across parallel frameworks risks eroding both regulatory coherence and legal certainty for companies. A key safeguard under REACH is the well-established > 0.1% concentration threshold for SVHCs in articles. This threshold has provided legal clarity, protected human health and the environment, and enabled informed consumer choice without imposing blanket bans. FESI strongly supports maintaining this threshold, which underpins consistent compliance processes across global supply chains.

For instance, the Ecodesign for Sustainable Product Regulation (ESPR) introduces the concept of Substances of Concern (SOCs) and allows for a certain level of restriction in products without going through the robust REACH processes. This shift risks creating shortcuts to restrictions without transparent stakeholder involvement or socio-economic analysis as well as unmanageable compliance burden without tangible improvements in chemical safety should the list of substances covered under the regulation is not tailored via the product-specific delegated act. Similarly, the Substantiating Green Claims Directive may set hazardous substance-related criteria without leveraging REACH data or processes.

Recommendation:

FESI calls for a horizontal governance mechanism that ensures chemical-related provisions in other legislative instruments are aligned with and subordinate to REACH, particularly where they introduce restrictions or obligations based on intrinsic chemical hazards. This includes a strict adherence to the > 0.1% concentration threshold also for any SoC obligation.

3. Simplification and proportionality must guide the REACH revision

FESI supports efforts to improve REACH's efficiency, especially for SMEs that form a significant part of the sporting goods sector's value chain. However, the REACH revision must avoid adding disproportionate burdens, particularly for substances used in low volumes or in well-controlled applications.

For example, proposals to extend information requirements to substances below 10 tonnes per year could discourage the availability of specialized materials essential for performance-driven products. Instead, a more nuanced, exposure-driven approach should be adopted, assessing data needs based on real-world use scenarios rather than volume thresholds alone.

Similarly, the potential introduction of a Mixture Assessment Factor (MAF) must be approached cautiously. While the intention to protect against cocktail effects is valid, a blanket application of MAFs risks restricting substances even when exposure is negligible or well-managed. Any such measures must be backed by robust scientific justification and targeted at relevant use cases. Products, such as footwear consist of a multitude of components — upper materials, midsoles, adhesives, dyes, coatings, cushioning systems — made up of complex chemical mixtures. A generic MAF based on additive hazard assumptions could result in restrictions or bans on safe materials due to theoretical exposures, despite negligible real-world risk and robust risk management.

Moreover, the administrative and financial burden of such measures must be acknowledged, as a generic MAF would significantly increase testing, data, and documentation requirements, particularly for SMEs with limited reformulation capacity.

Recommendation:

We therefore strongly urge that the introduction of a Mixture Assessment Factor (MAF) should:

- Be substance-specific and scientifically justified, MAF should apply only where toxicological evidence supports the likelihood of combination effects.
- Remain risk-based, not hazard-based, substances fully encapsulated or with no exposure potential should not be subject to automatic restriction.
- Be applied only in cases of proven, relevant co-exposure, there must be documented evidence of actual cumulative exposure.

4. Maintain a risk-based approach and reject hazard-only triggers

FESI strongly opposes the shift from a risk-based to a hazard-based regulatory paradigm, particularly through the Generic Risk Approach (GRA). The current REACH framework rightly focuses on managing real-world risks, considering both hazard and exposure.

Extending GRA beyond consumer products to professional and industrial uses would ignore the sophisticated risk management practices in place in many sectors. For example, adhesives or performance coatings used in controlled factory settings should not be subject to automatic restrictions solely because of hazard classification.

Furthermore, the proposed "Essential Use" concept must be narrowly applied. Its introduction as a gatekeeping tool should only be considered in the presence of actual risks, when no alternatives exist, and with clear, consistent criteria. Otherwise, there is a risk of overreach and arbitrary restriction.

Recommendation:

The current REACH framework rightly focuses on managing real-world risks, considering both hazard and exposure

5. Protect Innovation and SMEs from Disproportionate Fast-Track Measure

While hazard-based triggers may serve certain public health objectives, the application of Article 68(2) must not bypass the essential principles of exposure-based evaluation and stakeholder consultation, especially for complex consumer goods where the actual risk is negligible. Rapid restrictions can also result in regrettable substitution, replacing well-understood, controlled substances with unknown or potentially more hazardous alternatives.

Recommendation:

- Limiting Article 68(2) to use cases where actual exposure is demonstrated.
- Requiring a comparative safety assessment of proposed substitutes before restrictions enter into force.
- Supporting SMEs through transparent derogation processes and reformulation guidance.

6. Safeguarding circularity: managing legacy substances through proportionate phase-ins

Chemical restrictions must also align with the EU's circular economy goals. For instance, the recent proposal to restrict skin sensitizers in consumer articles was postponed by the European Commission due to concerns that it could severely hinder mechanical recycling processes — an essential pillar of circularity. This example illustrates the risks of an overly rigid or automatic regulatory (Dynamic) link between the CLP Regulation (classification and labelling) and REACH restrictions. Without careful assessment, such dynamic links could trigger unintended downstream bans with broad and damaging implications for recycling, second-hand markets, and sustainability targets.

In this context, we advocate for the implementation of phase-in approaches for legacy chemicals present in recycled materials and second-hand goods. Such strategies will enable a smoother transition to safer alternatives while preserving Circular material supply chains and reducing waste. FESI suggests that any phase-in approach for legacy substances should be proportionate and reflect realistic timelines for material cycles, ranging for example from 3 to 10 years depending on the substance's hazard, exposure and recyclability. Typical candidates for such phase-in consideration may include legacy plasticisers, brominated flame retardants, or dyes that continue to circulate in recycled textile and polymer streams from products placed on the market decades ago.

Recommendation:

FESI advocates for the implementation of phase-in approaches for legacy chemicals present in recycled materials and second-hand goods.

7. Strengthen predictability, digitalisation, and the single market

The sporting goods industry operates in a highly globalized and innovation-driven environment. Companies require long-term predictability to invest in research, substitute materials, and adapt supply chains. This is only possible when chemical legislation is transparent, consultative, and applied uniformly.

Digitalisation of chemical compliance and reporting requirements offers a major opportunity to streamline processes and improve enforcement. However, digital tools must be interoperable, user-

friendly, and accessible, especially to SMEs. Consistency between digital systems like SCIP and REACH IT is essential to avoid duplication of efforts.

REACH must also continue to reinforce the integrity of the EU single market. Diverging national interpretations or enforcement approaches undermine legal certainty and create a fragmented landscape. A harmonised approach to implementation, supported by a robust and well-resourced enforcement framework across Member States, is essential for a level playing field.

Recent experiences, such as the opaque selection of substances for restriction or the lack of clear derogation procedures under ESPR drafts, highlight the need to reinforce REACH's procedural strengths rather than creating new, fragmented processes.

Recommendation:

We urge the Commission to consider the cumulative impact of regulatory initiatives on businesses, particularly SMEs. The simultaneous implementation of REACH reform, ESPR, and other initiatives such as the Digital Product Passport, if misaligned, risk overwhelming compliance systems and discouraging sustainable innovation.

8. Harmonised and standardised test methods

A successful chemicals regulatory framework must be grounded in reliable and harmonised testing. The current lack of alignment in test methodologies can result in inconsistent enforcement and regulatory fragmentation. FESI supports the development and application of harmonised and standardised test methods, particularly where these are linked to Threshold Limit Values (TLVs) or regulatory limits.

A common EU framework for testing protocols — developed through collaboration with ECHA, industry, and standards bodies — would improve comparability, efficiency, and credibility of compliance. In particular, harmonised methodologies are essential for measuring SVHCs in complex articles and recycled content, and for ensuring that TLVs are enforceable in practice.

In addition to harmonised testing protocols, FESI highlights the critical need to improve data flows and information access throughout supply chains. Whenever feasible, substance manufacturers and formulators should bear greater responsibility to provide reliable, verified substance-level data (e.g. through Safety Data Sheets, certificates of compliance, or digital product passports), thus reducing unnecessary and duplicative downstream testing. This would help companies focus testing resources

on areas where data gaps or uncertainties remain, particularly for complex recycled materials or imported articles.

9. Recommendations

To ensure REACH continues to protect health and the environment while supporting EU competitiveness, FESI proposes:

- Reaffirming REACH as the central and legally binding framework for chemical regulation.
- Prohibiting the use of alternative restriction mechanisms outside REACH without equivalent procedural safeguards.
- Ensuring that new concepts like GRA and Essential Use are applied based on exposure and risk, not just hazard.
- Maintaining the > 0.1% threshold for SVHC communication and compliance duties in articles, as well as a strict adherence to the > 0.1% concentration threshold also for any SoC obligation.
- Tailoring information requirements to actual use conditions, especially for SMEs and low-volume substances.
- Guaranteeing thorough impact assessments and stakeholder consultation in all related initiatives.
- Harmonizing terminology, data standards, and requirements across REACH and other regulations.
- Incorporating phase-in approaches for legacy substances in recycled and second-hand goods to support circular economy goals.
- Promoting digitalisation to improve compliance and transparency while ensuring tools are efficient, interoperable, and SME-friendly.
- Strengthening enforcement and ensuring uniform application of REACH rules across the EU to preserve the single market and level playing field.
- Developing harmonised test methods linked to substance-specific TLVs to support effective implementation and enforcement.

10. Conclusion

REACH has established the EU as a global leader in chemical safety. The ongoing revision should build on its strengths, address its operational weaknesses, and reaffirm its centrality. Parallel legislative initiatives must not erode REACH's role or introduce de facto restrictions through the back door. FESI remains committed to constructive dialogue with EU institutions to ensure a REACH revision that is both protective and pragmatic, preserving public health and environmental goals while enabling innovation and global competitiveness in Europe's sporting goods sector.

Founded in 1960 FESI - the Federation of the European Sporting Goods Industry represents the interests of approximately 1.800 sporting goods manufacturers (85% of the European market) through its National member Sporting Goods Industry Federations and its directly affiliated companies. 70-75% of FESI's membership is made up of Small and Medium Sized Enterprises. In total, the European Sporting Goods Industry employs over 700.000 EU citizens and has an annual turnover of some 81 billion euro.

FESI – Federation of the European Sporting Goods Industry

🏠 Rue Marie de Bourgogne 52, B-1000 Brussels

☎ +32 (0)2 762 86 48

✉ info@fesi-sport.org

🌐 www.fesi-sport.org

