

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND THE WINDSOR FRAMEWORK

C(2026)2483

COMMISSION REGULATION (EU) 2026/859 OF 20 APRIL 2026 AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH) AS REGARDS 2,4-DINITROTOLUENE IN ARTICLES

Submitted by the Department for Environment, Food and Rural Affairs on 15 June 2026

SUBJECT MATTER

1. The European Commission is implementing an amendment to Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council, concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) within the European Union (EU), restricting the placing on the market or use of 2,4-dinitrotoluene ('2,4-DNT') in articles.
2. EU REACH is listed in Annex 2 of the Windsor Framework and therefore this amendment will apply in Northern Ireland (NI).

Background to REACH Restrictions

3. REACH Restrictions are applied to the manufacture, placing on the market, or use of certain substances if they pose an unacceptable risk to human health or the environment. New Restrictions, or amendments to existing ones, are made by way of legislation. Currently, within Great Britain (England, Scotland and Wales) the UK Government applies a broadly similar Restrictions regime to the EU when making its own restrictions, with a similar framework implemented to work domestically, under assimilated Regulation (EC) No 1907/2006 of the European Parliament and of the Council, concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (assimilated REACH).

Background on 2,4-DNT

4. The EU identified that 2,4-DNT is used in articles¹ such as refractory products, in automotive airbags, in seat belt pre-tensioners, in plastic bottles used in industrial settings for sample taking purposes, as propellants for military and civil small-arms ammunitions, and as gelatinising-plasticising agent in explosive compositions. 2,4-DNT is classified as carcinogen category 1B, in both Great Britain (GB) and the EU,

¹ An article is an object which during its production is given a special shape, surface or design which determines its functions to a greater degree than does its chemical composition.

under the UK and EU's respective Classification, Labelling and Packaging Regulations.

5. The EU added 2,4-DNT to Annex XIV to Regulation (EC) No 1907/2006, with a sunset date of 21 August 2015. Subsequently, in both the UK and the EU, no applications for authorisation have since been submitted for the continued use of 2,4-DNT, suggesting 2,4-DNT is not manufactured in the EU for the EU market. However, as authorisation requirements do not apply to imported articles and there have been no subsequent applications for authorisations, the EU concluded that articles containing 2,4-DNT are produced outside the EU and subsequently imported which present a potential source of exposure to 2,4-DNT in the EU.
6. Article 69(2) of EU REACH requires the European Chemicals Agency to consider whether the manufacture, placing on the market or use of that substance in articles poses a risk to human health or the environment that is not adequately controlled and needs to be addressed, and if so to prepare a dossier, beginning the restriction process if they have demonstrated that action is necessary beyond any measures already in place. The restriction process concludes with the EU Commission preparing a draft amendment to the Annex XVII List as per Article 73 of EU REACH.

Proposed Regulation of 2,4-dinitrotoluene in articles

7. The amendment introduces a restriction on placing on the market and use of 2,4-DNT in articles with a concentration limit of 2,4-DNT to 0,1% by weight or above.
8. The amendment includes phased transition periods. There is a 12-month transitional period before the restriction applies in the EU and NI, to provide sufficient time for importers to adapt their supply chain and transition to articles not containing 2,4-DNT above the specified concentration limit.
9. To minimise major economic impact and ensure the continued safety of users in motor vehicles, a 36-month transitional period will apply to the use of 2,4-DNT in micro gas generators for seat belt pre-tensioners and bonnet actuators and in spare parts in the automotive sector. Motor vehicles containing 2,4-DNT that are placed on the market within 2 years of the restriction coming into force may continue to be placed on the market and used until the end of their service life.
10. The amendment also includes exemptions. The restriction of 2,4-DNT in articles will not apply to articles that were placed on the market in the EU before the coming into force of the restriction, such as second-hand articles.
11. The scope of the restriction of 2,4-DNT will not apply to articles placed on the market or used in explosives, and ammunition intended for use by armed forces or the police.
12. The scope of the restriction will also not apply to the use of 2,4-DNT in articles which are already regulated by other legislation including Directive 2009/48/EC on the safety of toys, Regulation (EU) 2017/745 on medical devices, and Regulation

(EC) No 1935/2004 on materials and articles intended to come into contact with food.

SCRUTINY HISTORY

13. The Parliament Scrutiny history relevant to this Explanatory Memorandum is contained in Annex A.

MINISTERIAL RESPONSIBILITY

14. The Secretary of State for Environment, Food and Rural Affairs has responsibility for this policy area, alongside Welsh and Scottish Ministers whose consent is required for the introduction of equivalent measures in GB.

INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)

15. This proposal relates to a regulation, namely REACH, that is subject to the provisional Common Framework on Chemicals and Pesticides. Devolved Government officials, including officials from NI's Department of Agriculture, Environment and Rural Affairs, Department for the Economy and Department of Justice, have been consulted in the preparation of this EM, and had no further comments to add.

LEGAL AND PROCEDURAL ISSUES

16.

i. Legal Base

The legal basis for this amendment is 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 ([EU] 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, and in particular Article 68(1) of EU REACH.

ii. Voting Procedure

The EU procedure used for amendments to Annex XVII is Regulatory Procedure with Scrutiny (Art. 5a par. 1-5), with a qualified majority required.

iii. Timetable for adoption and implementation

The Regulation was adopted by the Commission on 20 April 2026 with a 12-month deferral of the coming into force of the restriction to provide sufficient time to stakeholders to fully implement the restriction requirements, and a 36-month deferral for micro gas generators for seat belt pre-tensioners and bonnet actuators and in spare parts in the automotive sector.

POLICY AND LEGAL IMPLICATIONS

17. Under the Windsor Framework, articles containing 2,4-DNT placed on the market or used in NI must comply with EU REACH, including the concentration limits introduced.

CONSULTATION

18. No consultation has been held on 2,4-DNT in articles in GB. 2,4-DNT is on the Authorisation list (Annex 14) in both NI and GB. When a substance of very high concern is added to the Authorisation list, it cannot be used after the specified 'sunset date', unless the use is exempt from authorisation, or a use-specific authorisation has been granted. No applications for authorisation (AfA) have been received, indicating that no company wished to continue any authorisable use beyond the sunset date in NI or GB. Regulator records do not indicate any imports of articles containing 2,4-DNT, and no GB or NI stakeholders responded to the EU consultations on the restriction proposals for 2,4-DNT in articles.

19. Industry have expressed no concerns over the EU restriction of 2,4-DNT in articles in general. Only one question on the EU restriction has been raised, regarding supply of spare motor parts permitted by the restriction, on which the affected stakeholder will be seeking clarity from the EU.

20. In December 2025, Defra published the Environmental Improvement Plan, committing to reform UK REACH to enable protections that address chemical pollution to be applied more quickly, efficiently and in a way that is more aligned with our closest trading partners, especially the EU, by December 2028.

21. In the event of any future GB regulatory work on 2,4-DNT, Defra and the Welsh and Scottish Governments would be mindful of opportunities to support the free movement of goods between GB and NI, and ensure an appropriate consultation is undertaken before any measures are applied in GB.

FINANCIAL IMPLICATIONS

22. The cost of this measure applying in NI is expected to be very low overall, reflecting the absence of known EU production of articles containing 2,4-DNT for the EU market, and only limited import or use. As a result, manufacturers are not expected to incur any costs from switching to alternatives or running down existing stocks, particularly given that technically and economically feasible alternatives already appear to be in use.

23. Available information, including EU stakeholder consultations, indicates no significant compliance issues overall. A 12-month transition period is expected to be sufficient for importers to switch to 2,4-DNT-free articles, meaning any

remaining costs are likely to be limited, with no significant impacts on consumers in terms of price or availability.

A handwritten signature in black ink, appearing to read 'Emma Hardy', with a stylized, cursive script.

**EMMA HARDY MP
PARLIAMENTARY UNDER-SECRETARY OF STATE
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

COMMISSION REGULATION (EU) 2026/859 OF 20 APRIL 2026 AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH) AS REGARDS 2,4-DINITROTOLUENE IN ARTICLES

C (2023) 6419 FINAL:COMMISSION REGULATION (EU) .../... OF 25.9.2023 AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH) AS REGARDS SYNTHETIC POLYMER MICROPARTICLES

ANNEX TO THE COMMISSION REGULATION (EU) .../... OF XXX AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH) AS REGARDS SYNTHETIC POLYMER MICROPARTICLES

DATE DEFRA EM SIGNED: 27/06/2024 and 16/10/2024

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
	CLEARED SENT FOR INFORMATION TO THE NORTHERN IRELAND SCRUTINY COMMITTEE (CHAIR'S SIFT 1 9/5/25)

C(2023)4687: COMMISSION REGULATION (EU) / AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS FORMALDEHYDE AND FORMALDEHYDE RELEASERS

DEFRA EM DATED: 11/01/2024

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY NOT COMPLETED (AGENDA 9, 7/2/24)	SIFTED FOR EXAMINATION TO THE WINDSOR FRAMEWORK SUBCOMMITTEE (CHAIR'S SIFT 45, 19/1/24)

C (2022) 2142 FINAL+ANNEX: COMMISSION REGULATION (EU) .../... OF 8.4.2022 AMENDING ANNEX XIV TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH)

DEFRA EM DATED 13/07/2022

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
CLEARED BY HOC LETTER 29/11/23	DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 22; 21/7/22)