

**Justification of minority position of the adopted SEAC opinion:
Ammonium Salts Restriction**

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The restriction is not warranted on the following grounds:

1. Insufficient Justification that action is required on an EU wide basis: there is limited scientific argumentation supporting EU wide measures. The human health concern and impacts appear to be almost entirely confined to the French State. There are little, if any, demonstrated cases of health effects outside of France. Given that no examination appears to have been undertaken on the reasons for this, the extension of the need for restriction to the EU level is premature and contrary to the principles of subsidiarity and proportionality of the Treaty on European Union.

2. Insufficient justification that the suggested restriction is the most appropriate EU wide measure: a restriction is not appropriate since this is essentially a product liability issue and not a market failure requiring regulatory intervention. This is demonstrated by the fact that the existing market and legal processes have been adequately dealing with the issue, through for example, product liability insurance payouts to replace the faulty product. Such an approach (ie based on the existing legal product liability mechanisms) is most appropriate and proportionate given the very small scale of the problem (around 75 residential properties in the EU per year, in accordance with extrapolation of the incidence rate in France to the rest of the EU). Moreover, given the very small incidence rates and severity of symptoms, the health benefits from the proposed restriction are so small that the justification for the restriction being proportionate (in cost-benefit terms) essentially relies on counting the savings related to re-insulation costs of those properties affected. As mentioned already these re-insulation costs are covered through product liability insurance payments. Hence the rationale for EU wide restriction is neither justified from a regulatory intervention need, nor from the scale and severity of the public health problem in the EU. As such restriction under REACH is not a proportionate measure.