

From: ECHA EO
To: [REDACTED]@eeb.org
Cc: ECHA EO
Subject: FW: EEB's report on the Commission's PFHxA restriction proposal
Date: 31 October 2023 17:35:12
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Dear [REDACTED],

Could you please update in your distribution lists following email address for the Executive Director of ECHA
executive-director@echa.europa.eu.

Kind regards,
[REDACTED]

[REDACTED]
European Chemicals Agency
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From: [REDACTED]@eeb.org>
Sent: Monday, October 23, 2023 1:27 PM
Subject: EEB's report on the Commission's PFHxA restriction proposal

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Dear all,

Next to the ubiquitous “universal PFAS restriction”, there is the often overlooked restriction on C6 PFAS (“PFHxA”), an important subfamily of PFAS. It's much more advanced in the process than the universal restriction, with only the Commission's decision – via the REACH committee – pending. Unfortunately, what the Commission proposed is substantially weaker than what the dossier submitter and the scientific committees proposed – see table below for a visual impression.

To illustrate the insufficiency of the Commission's justification, and explain what the legislation actually expects from the Commission, EEB published a **short report** on the Commission's PFHxA proposal.

I have attached the report, and it is also available in our library: <https://eeb.org/library/pfhxa-the->

[commissions-proposal/](#).

Here is a **short description**:

In December 2021, the scientific committees of the European Chemicals Agency (ECHA) formulated their opinion on a REACH restriction proposal on an important family of PFAS, PFHxA and related substances. In June 2023, the Commission proposed legal text that would substantially modify and weaken the measures proposed by the Dossier Submitter (DS), the Risk Assessment Committee (RAC) and the Committee for Socio-economic Analysis (SEAC), while disregarding the justifications of RAC and SEAC.

While the Commission has the legal power to diverge from the restriction proposal and opinion, it has the equally legal obligation to explain its reasons in a detailed annex,^[1] which has not been published. The recitals of the proposal appear to cherry-pick passages from the opinion, overlook others and interpret the opinion in the weakest possible way.

In this report, we explain the legal background on the topic (section 3), confront the different text sources (Committees' opinion and Commission proposal) and make recommendations to improve the effectiveness of the restriction to protect people and the environment:

- *Avoid further delays in the process to restrict PFHxA. Although this process was not what it should be, not restricting the proposed uses certainly is not either.*
- *In the light of the principle of good administration, justify any divergence from the work of the DS, RAC and SEAC.*
- *Ensure the Commission sticks to legal timelines. Ensure the Commission focuses on its legal tasks and prerogatives.*
- *Work towards full implementation of the PFHxA restriction, as proposed by the DS, RAC and SEAC.*

I hope you will find this report useful – please don't hesitate to share it with others.
Of course, if you notice something that appears wrong to you in the report, please let me know.

Best wishes,

[Redacted signature]

Chemicals/Sustainable Production and Best Available Techniques

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EC register for interest representatives: Identification number 06798511314-27

International non-profit association - Association internationale sans but lucratif (AISBL)

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[\[1\]](#) See REACH Art. 73.