



EUROPEAN COMMISSION
DIRECTORATE-GENERAL ENVIRONMENT

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND
SMES

Directors General

Brussels,
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Subject: Your letters of 2 and 8 April 2020 – Impact of the COVID-19 outbreak on compliance with Commission Regulation (EU) 2017/1000 of 13 June 2017

Dear [REDACTED],
Dear [REDACTED],

Thank you for your letters of 2 and 8 April 2020, in which you outline a number of concerns due to the COVID-19 pandemic and request a delay in the entry into application of the restrictions laid down in Annex XVII to Regulation (EC) No 1907/2006 (the REACH Regulation) for perfluorooctanoic acid (PFOA), its salts and PFOA-related substances.

We are aware of the difficulties that many sectors, including yours, are currently facing due to the effects of the COVID-19 crisis and we understand that it will take time for certain activities to resume normal operational conditions again. The Commission is carefully examining areas where compliance with EU legislation may become excessively difficult due to the current exceptional circumstances, and is willing to consider flexibility where legally possible and duly justified. However, the Commission is not in a position to agree to your request in view of the recent developments.

In particular, we would like to inform you that the REACH restriction concerning PFOA will be superseded by a Commission Delegated Regulation amending Annex I to Regulation (EU) 2019/1021 (POPs Regulation) to include PFOA. Accordingly, the Commission is proposing to delete the REACH restriction concerning PFOA from Annex XVII to the REACH Regulation. Discussions on the draft Commission Regulation which foresees this deletion as well as a number of other changes to Annex XVII are currently ongoing in the REACH Committee.

This delegated act has been published in the Official Journal¹ and applies as of 4 July 2020. This act translates into EU Law the decision to list PFOA under the Stockholm Convention on Persistent Organic Pollutants and, therefore, the Commission is not planning to amend the legal text at this stage to postpone the entry into application.

Yours sincerely,

(e-signed)

Joanna Drake
Acting Director-General
DG Environment

(e-signed)

Kerstin Jorna
Director-General
DG Internal Market, Industry,
Entrepreneurship and SMEs

¹ https://eur-lex.europa.eu/eli/reg_del/2020/784/oj