

Mr Frans Timmermans
Vice-President for the European Green Deal
European Commission
Rue de la Loi 200
1049 Brussels
Belgium

Brussels, 18 July 2023

Dear Vice-President Timmermans,

On behalf of the American Chamber of Commerce to the EU (AmCham EU), I am writing to express our views and recommendations on the per- and polyfluoroalkyl substances (PFAS) restriction proposal currently under discussion at the European Chemicals Agency (ECHA).

Protecting human health and the environment is a vital goal, and across the broad PFAS group, certain substances should be regulated to achieve this aim. However, we are concerned that the current proposal, which is overly broad and would ban 10.000 substances, could have severe negative impacts on a wide variety of sectors, undermining the Green Deal and the attractiveness of Europe, with limited benefit for the environment and health of European citizens.

Some compounds included in the restriction's scope, such as fluoropolymers and fluorinated gases, provide essential advantages in terms of performance, reliability and/or safety and unique capabilities for semiconductors, hydrogen fuel cells, batteries, renewable energy, electric vehicles, medicines and medical devices, aviation & defence, and industrial manufacturing. These are among the applications that ensure the continued operation of countless industrial plants that underpin entire value chains in Europe, supporting the green transformation of industry and the goals of the Green Deal. The restriction's framework should therefore take a proportionate approach to allow for both the achievement of the ambitions laid out in the Net-Zero Industry Act (NZIA), Green Deal and REPowerEU as well as the preservation of human health and the environment.

Moreover, the restriction proposal and the uncertainty it creates could stifle reindustrialisation and the continuation and future development of existing value chains in Europe, drastically impacting trade with the US and investments into the European economy from American companies. We sense that US businesses could be discouraged from investing in new factories and production units in Europe due to the pending risk of a ban on the production, use and sale of their products in such a short time frame.

We request that the Commission assess the socio-economic impact that the restriction would have not only on specific applications as is currently undertaken by ECHA's Committee for Socio-Economic Analysis but also on the Green Deal, transatlantic trade, and foreign long-term investments. Not taking these into account will have strong repercussions on strategic sectors that are vital for the green transition, as well as the EU's attractiveness for the American business. To avoid these outcomes, the Commission should consider alternative regulatory measures to address the problem of pollution, as existing regulations can be reinforced and amended to minimise fluorinated emissions from production, use and end of life of the various applications.

AmCham EU remains at your disposal for any further information and would welcome the opportunity to discuss the issue further.

Yours sincerely,



AmCham EU