



EUROPEAN COMMISSION

Maroš Šefčovič
Executive Vice-President

Brussels,
Ares (2023) 6750309

Dear Mr [REDACTED],

I would like to thank you and the co-signatories for the joint declaration on the use of the per- and polyfluoroalkyl substances (PFAS), and more specifically fluoropolymers, in the manufacturing of certain technologies and their operation in the energy sector. I am replying also on behalf of Commissioners Breton, Simson, and Sinkevicius.

Pollution from PFAS is a serious human health and environmental concern, considering the large number of cases of soil and water contamination across Europe – including drinking water. National authorities from five countries submitted a REACH restriction dossier in which a broad ban with some derogations on the use of PFAS is proposed. This proposal is currently undergoing an independent scientific assessment by the European Chemicals Agency (ECHA) committees, which includes a socio-economic analysis. A stakeholders' consultation on the restriction dossier recently ended.

The Commission is aware that PFAS are needed in critical applications, for example in the digital and energy sectors (e.g. semiconductors, electrolyzers, and membranes for green hydrogen production). For some of these applications, there are currently no suitable alternatives available on the market. Under the current REACH Regulation, derogations from restrictions can be granted based on the assessment of risk, including emissions, availability of alternatives, and socio-economic impacts.

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Mr [REDACTED]

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Therefore, the Commission envisages derogations for critical uses where no alternatives are currently available, while considering the need to minimise emissions of PFAS for the derogated uses in their entire life cycle. In any case, in line with the applicable procedural rules, the Commission is waiting to receive the ECHA opinion before deciding on restricting PFAS. Given the complexity of the proposal, I expect ECHA's opinion to be ready later this year, and the Commission proposal to come at the earliest in 2025.

The Commission services remain at your disposal in case you wish to receive additional clarifications or information.

Yours sincerely,

Maroš Šefčovič