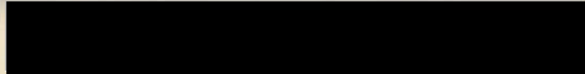


Tips and Tricks to answer the U-PFAS consultation


Cefic



TIPS and Tricks Consultation U-PFAS

Generic recommendations on how to answer ECHA consultations

Suggested steps on how to address the questions proposed on the U-PFAS restriction consultation – considering how to support particular derogations

Conclusions

Next FPP4EU Actions on the consultation proposal



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Generic recommendations towards effective contributions to ECHA's consultations

DOs

- ✓ **GIVE BACKGROUND** — provide an **overview of your sector** (what is this substance, how it is used and what are the measures already in place to manage possible risks and hazards). You want to paint a **comprehensive and clear picture with specific examples**.
- ✓ **ACKNOWLEDGE THE PUBLIC INTEREST CONCERN** — make sure you demonstrate that you **understand the concern** behind the regulatory action and are ready to cooperate.
- ✓ **INPUT DATA** — make sure to provide a **representative dataset** with **quantitative data** (scientific, monitoring, socio-economic, and regulatory studies are preferred). Qualitative data with multiple sources can also be useful. Specific questions are usually provided. If needed, it is possible to mark your submission as **confidential**; this will ensure that access will be granted only to RAC and SEAC members (subject to Reg 1049/2001)
- ✓ **MEET THE DEADLINES** — restriction consultations last 6 months from opening. Submit **preliminary data** as soon as possible and inform of any ongoing study. Ensure relevant data are made available on due time to contribute to the next committee discussion. Public consultations may include an intermediary deadline after 2 months from launch.

DON'Ts

- ✗ **AVOID EMOTIONS** — do not include emotional statements; only rely on data-driven comments.
- ✗ **NO POSITION PAPERS** — avoid submitting position papers that do not contain objective data to support the statements in the document.
- ✗ **DO NOT CONTACT COMMITTEE MEMBERS** — it is prohibited to contact directly the members of the ECHA Committees. Make sure to input the relevant information in the public consultation.



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ECHA's consultation on U-PFAS restriction proposal – suggested steps

STEP 1: Assess your PFAS use(s) in relation to the restriction proposal

STEP 2: Address the consultation's specific information requests

**2.A Additional information requests for listed derogated (sub-)uses;
data requirements for potential derogations marked for reconsideration;
data requirements to obtain a new derogation**

2.B Specific additional ECHA data requests

STEP 3: Attach additional information



ECHA's consultation on U-PFAS restriction proposal – suggested steps

STEP 1: Assess your PFAS use(s) in relation to the RESTRICTION PROPOSAL

Your sub-use may be:

- Listed in [table 9 \(p. 116-138\)](#)
- Further detailed in [Annex A](#)

YES, it is

NO, it is not

Check in addition:

1) the alternatives and the socio-economic impact:

- listed in [table 9 \(p. 116-138\)](#)
- further detailed in [Annex E](#)

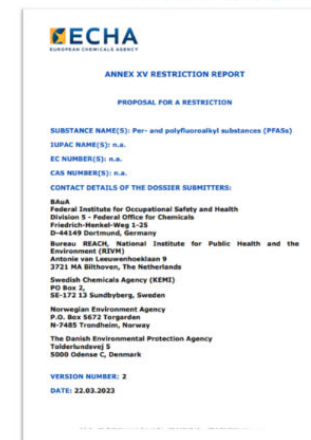
2) estimated emissions per sub-use:

- listed in [tables 1, 4 & 11 \(pp. 41, 57 & 142\)](#)
- further detailed in [Annex B](#) and [Annex E](#)

Your sub-use will be banned as of 18 months after the entry into force of the implementing regulation amending Annex XVII to REACH.

If you wish to obtain a derogation, provide information according to Steps 2 and 3.

Not providing any input is seen as agreeing with the proposal.



If you spot information or assumptions in the report you disagree with, provide supportive evidence and clarifications to enable robust assessment by the Committees

ECHA's consultation on U-PFAS restriction proposal – suggested steps

STEP 2: Address the consultation's specific information requests

QUESTIONS AS LISTED IN THE PUBLIC CONSULTATION

2A

- 1: Sectors and (sub-)uses
- 2 and 3: Emissions in the end-of-life phase
- 4: Impacts on the recycling industry
- 5: Proposed derogations – Tonnage and emissions
- 6: Missing uses – Analysis of alternatives and socio-economic analysis
- 7: Potential derogations marked for reconsideration – Analysis of alternatives and socio-economic analysis
- 8: Other identified uses – Analysis of alternatives and socio-economic analysis

2B

- 9: Degradation potential of specific PFAS sub-groups
- 10: Analytical methods

The screenshot shows the ECHA consultation form titled 'Comments for Annex XV restriction report'. It includes fields for 'Substance name' (Per- and polyfluoroalkyl substances (PFAS)), 'EC Number' (.), and 'CAS Number' (.). There is a 'Scope' section with a text area for 'Restriction on the manufacture, placing on the market and use of PFASs'. Below this, there is a note: 'Before you fill in the form, read the Consultation Guidance and the specific Information Note as they explain both the process and the proposal itself.' There are links for 'Link to the Consultation Guidance' and 'Link to the Information Note'. At the bottom, there is a note: 'Compulsory fields/risk boxes are marked with an asterisk (*)' and '* () have read the Consultation Guidance and Information Note'. A footer note states: 'All open confidential comments will be made publicly available once a month during the duration of the consultation.'



ECHA's consultation on U-PFAS restriction proposal – suggested steps

STEP 2: Address the consultation's specific information requests

QUESTIONS AS LISTED IN THE PUBLIC CONSULTATION

2A

1: Sectors and (sub-)uses

2 and 3: Emissions in the end-of-life phase

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5: Proposed derogations – Tonnage and emissions

6: Missing uses – Analysis of alternatives and socio-economic analysis

7: Potential derogations marked for reconsideration – Analysis of alternatives and socio-economic analysis

8: Other identified uses – Analysis of alternatives and socio-economic analysis

All related to (sub-)uses listed in [table 9 \(p. 116-138\)](#) of the RESTRICTION PROPOSAL

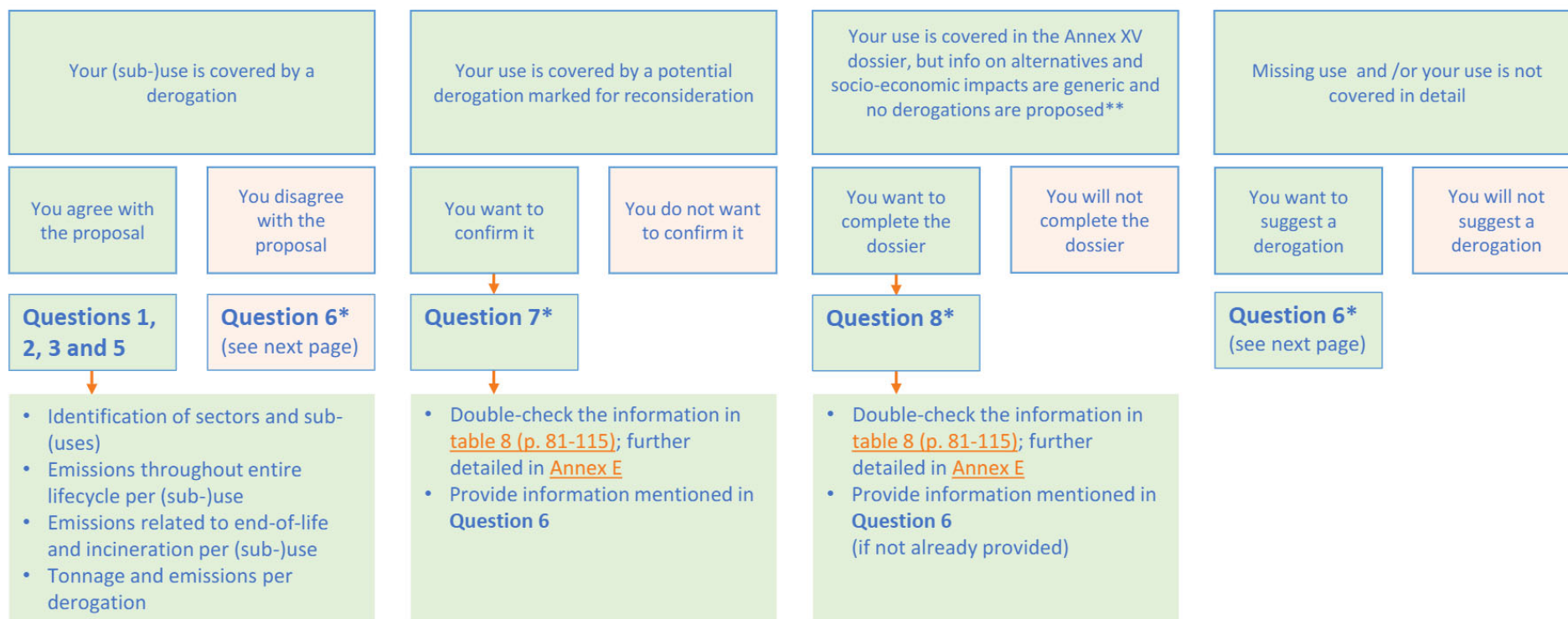
2B

9: Degradation potential of specific PFAS sub-groups

10: Analytical methods



2.A Additional information requests for listed derogated (sub-)uses; data requirements for potential derogations marked for reconsideration; data requirements to obtain a new derogation



*if the questions do not seem appropriate for your case, please provide your information in an annex

**ECHA highlights the following sub-uses as lacking information on alternatives and socio-economic information: technical textiles, electronics, the energy sector, PTFE thread sealing tape, non-polymeric PFAS processing aids for production of acrylic foam tape, window film manufacturing, and lubricants not used under harsh conditions

2.A Additional information requests for listed derogated (sub-)uses; data requirements for potential derogations marked for reconsideration; data requirements to obtain a new derogation

Question 6

- a) **Annual tonnage**, emissions and type of PFAS
- b) **Key functionalities provided by PFAS for the relevant use**
- c) **Number of affected companies**
- d)-f) Alternatives and substitution
- g) Socio-economic impact due to lack of viable alternatives

Give context: describe your use and sector, with particular focus on:

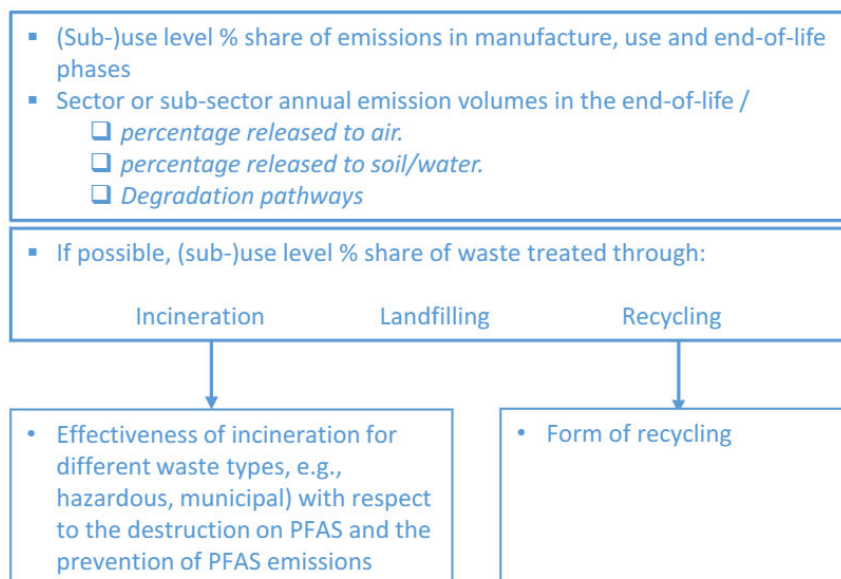
- Amount of PFAS used (tonnage/year)
- Key functionalities of that/those PFAS for the relevant use
- Number of companies affected in the sector (for trade associations)



2.A Additional information requests for listed derogated (sub-)uses; data requirements for potential derogations marked for reconsideration; data requirements to obtain a new derogation

Question 6

- a) Annual tonnage, **emissions** and type of PFAS
- b) Key functionalities provided by PFAS for the relevant use.
- c) Number of affected companies
- d)-f) Alternatives and substitution
- g) Socio-economic impact due to lack of viable alternatives



To support your case, additional elements that can be included are:

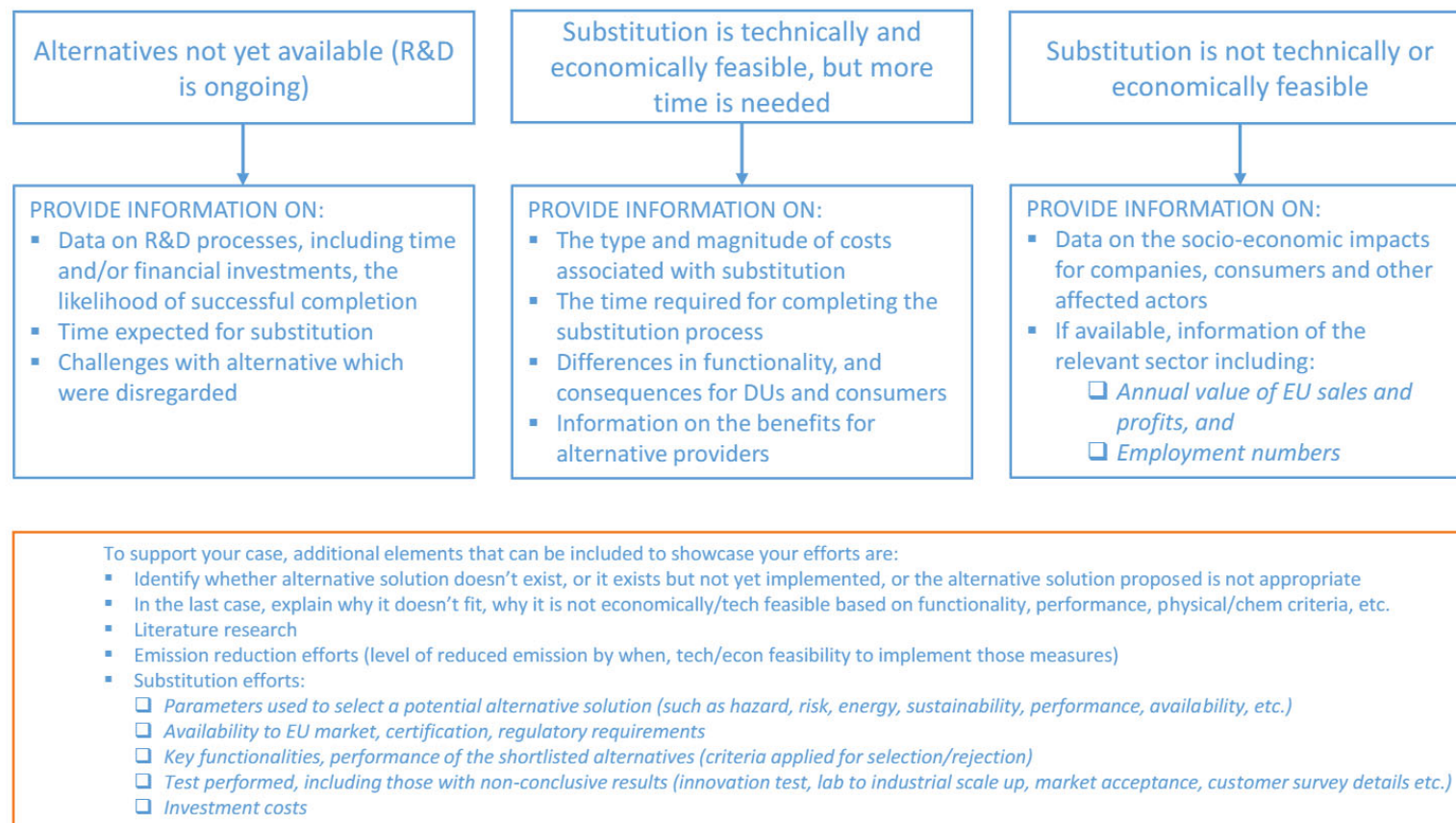
- Risk management measures (RMMs) and operational conditions (OCs) implemented (efficiency to minimise emissions/releases)
- RMMs/OCs to be implemented to further prevent emissions
 - Expected efficiency (%)
 - Expected Investment cost
 - Expected implementation time
 - Assumption based on 100% emission at each life cycle stage
 - Recycling
 - Amount sent to service providers
 - Transport conditions (contracts, OC/RMM, frequency, etc.)



2.A Additional information requests for listed derogated (sub-)uses; data requirements for potential derogations marked for reconsideration; data requirements to obtain a new derogation

Question 6

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Costs

PROVIDE INFORMATION ON:

- For industry : loss of turnover, one-off and operating cost, cost of substitution, testing cost, etc
- For Consumers: social implications (e.g., job losses) and their distribution (in particular SMEs)

Socio-economic issues

PROVIDE INFORMATION ON:

- Affordability
- Effects on:
 - SMEs
 - stocks and recycling
 - supply chains
 - spare parts
 - markets analysis

In case of no alternative solution, to support your case, additional elements that can be included to explain the (in)direct impact of a ban, are:

- Remediation costs, shutdown & potential relocation cost
- Delayed-loss of current contract delivery (in/out EU) – legally binding compliance issue
- Estimation of market share loss, product performance loss
- Job reorientation and redistribution at local and EU level
- EU Competition vs imported products and vs non-EU companies.
- Impact estimation on resources, energy, climate, sustainability, innovation
- Who will be impacted at which cost level in case use will stop



ECHA's consultation on U-PFAS restriction proposal – suggested steps

STEP 2: Address the consultation's specific information requests

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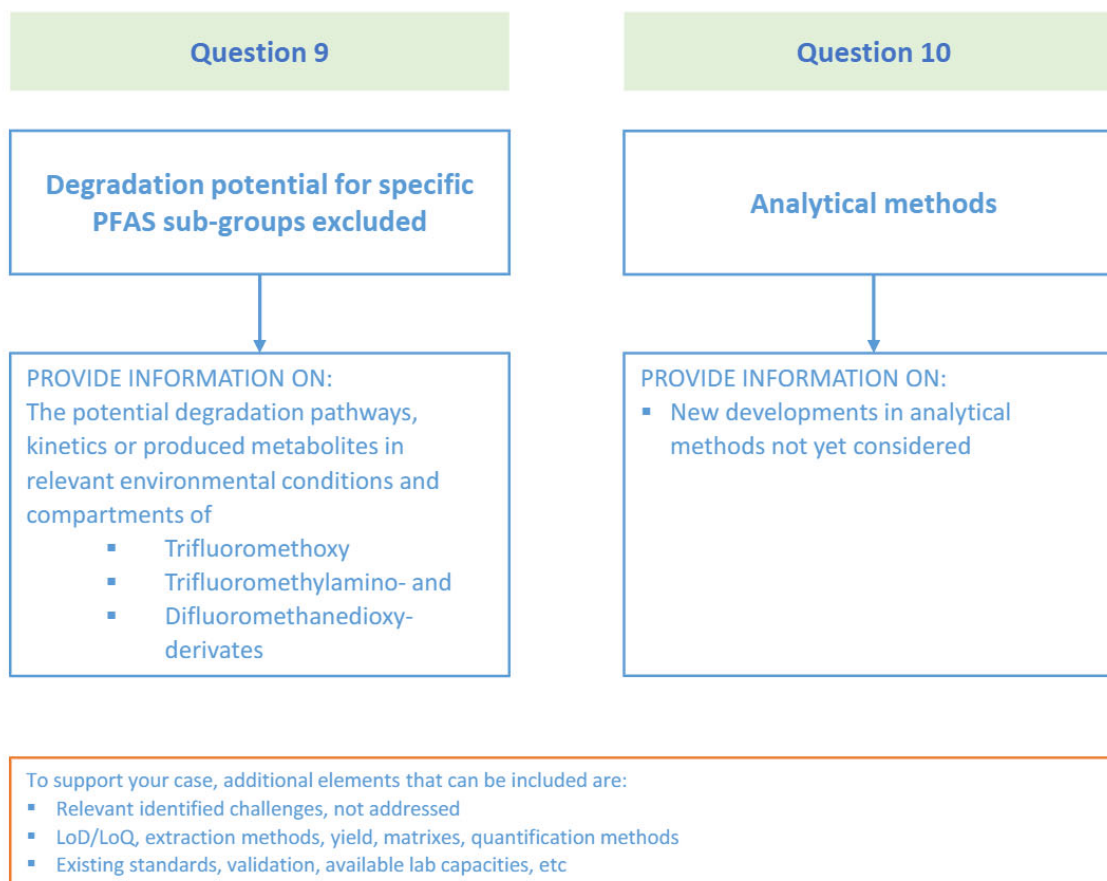
2B

9: Degradation potential of specific PFAS sub-groups

10: Analytical methods



2.B Specific additional ECHA data requests



ECHA's consultation on U-PFAS restriction proposal – suggested steps

STEP 3: Attach additional information

Non-confidential attachment (section IV)

New information could be attached including:

- Reports
- studies
- Excel files, etc.

Confidential Attachment (Section V)

New confidential information could be attached including:

- studies,
- laboratory tests,
- additional contact details,
- business data, etc.

You will need to justify the reasons for confidentiality (Article 4(1) or 4(2) of Regulation (EC) No 1049/2001)

Only used by ECHA, including its Committees, by the Member State competent authorities and by the European Commission.

To support your case, additional elements that can be included are:

- Ranges made available in the non-confidential dossier, to increase transparency of discussion and assessment by committees.



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Conclusions

- To assess your PFAS uses look into the proposal for a restriction + annexes;
- To advocate for derogations, provide information on PFAS use, alternatives, the socioeconomic impact and emissions;
- Follow the consultation request to provide information on alternatives;
- If you submit confidential information consider to extract some information to include it in the nonconfidential dossier.



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Next FPP4EU Actions

- Mapping missed uses in order to compile a non-exhaustive number of missed used not covered by the dossier submitted to ECHA;
- We will be asking for your help



Tips and Tricks to answer the U-PFAS consultation

THANK YOU

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Cefic

