



EUROPEAN COMMISSION
DIRECTORATE GENERAL
ENVIRONMENT
Circular Economy & Green Growth
Sustainable Chemicals

Brussels
ENV B2 /Ares(2020)

Dear [REDACTED],

Thank you for your letter, in which you raise the concerns of EU textile companies as regards several regulatory initiatives under the chemical legislation concerning some per- and polyfluoroalkyl substances (PFAS).

We are aware of the difficulties that many sectors, including the textile sector, are currently facing due to the COVID-19 crisis. 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, as regards the amendment of Annex I to Regulation (EU) No 2019/1021 (the POPs Regulation) to include PFOA, its salts and PFOA-related compounds, recently published in the Official Journal¹, the Commission is not considering any further amendment. This is because the current text followed the decision of the Conference of the Parties of the Stockholm Convention. Such decision did not include some of the derogations that were granted under the REACH restriction because, during its assessment, the scientific committee of the Stockholm Convention (POPRC) concluded that alternatives were available. I would like to draw your attention to the fact that an exemption is still granted until 2023 for the use of PFOA in textiles for oil- and water-repellence for the protection of workers from dangerous liquids. Another exemption allows the use of PFOA for the production of fluoropolymers to be used in membranes for medical applications. If some of these exemptions are not clear, you can always send us a specific question and, if needed, we will publish a clarification.

It is also worth mentioning that Article 4(2) of the POPs Regulation introduces an exemption for articles "already in use" which would apply to textiles not covered by other exemptions produced before the date of entry into application of the PFOA listing on 4 July 2020. The interpretation of this exemption was discussed in a recent meeting of the POPs Competent Authorities and the Commission will soon publish a clarification.

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

Concerning PFHxA, this substance is in an early stage of the restriction process under REACH and it is currently discussed in ECHA scientific committees. A public consultation is open until 25 September² and a second one will be launched at a later stage, to collect information also on availability of alternatives for the different uses. The textile industry is encouraged to contribute to both public consultations.

Concerning C9-C14 PFCAs, the Commission is working on an amendment to Annex XVII of REACH to restrict them, basing its proposal on the opinions of the scientific committees of ECHA³. However, the Commission proposal will take into account the fact that PFOA is now restricted under the POPs Regulation. Therefore, it is envisaged that the derogations recommended by the ECHA scientific committees would be aligned to the derogations granted under the POP's Regulation.

Yours faithfully,

e-signed



² <https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e18323a25d>

³ <https://echa.europa.eu/documents/10162/5aabe3cc-a317-4b2f-5446-5fc22c522c31>