

Non-confidential comments

3rd July, 2023

ECHA-defined PFAS substances are very important to the EU industry. The highly specific properties of Carbon-Fluorine (C-F) bonds define the application and usage of such materials. PFASs substances and PFASs-based articles are applicable under extreme chemical corrosive conditions, extreme temperatures, do fulfil pharmaceutical/ agricultural industrial requirements and by this are of extremely high importance for nearly all EU industries. PFASs materials scarcely can be substituted with other existing substances. New materials will have to be developed. The success of such endeavour is not warranted. ECHA's time line according to Annex XVII of the REACH regulation is 2025. It is difficult to predict the applicability of potential non-PFASs alternatives for the same usage conditions.

The scope of the restriction proposal is extremely broad; the restriction covers gases, liquids and even high molecular fluoropolymers; the proposal does not differentiate between the various classes of materials including the risks.

In the restriction proposal, the approach to the implementation of alternatives is too simplistic. Such approach assumes that all EU PFAS downstream users simply can change from PFASs to PFAS-alternatives. This is not the case. The report fails to take into account that the process of substituting PFAS with non-PFAS materials requires a long-term planning-, testing- and evaluation-process which last not least also requires capital funding. Such substitution process does not only require new equipment but also triggers a regulatory approval process which can take up to several years to be completed. Additionally, companies must take a possible future risk of a restriction / ban of such alternatives under consideration. It is critical to provide sufficient time for the evaluation of the potential alternatives under consideration; if such alternatives exist at all.

Additionally, the fact should be taken into account that SMEs have a limited numbers of production lines and limited access to capital funding to shift away from PFASs to alternative materials. SMEs will indeed be impacted to a greater extent than larger companies.

Our recommendations:

- Provide immediately a total exemption for fluoropolymers including the required monomers/ adjuvants to avoid that potential/planned investments into expansions/new technologies are dropped;
- Consider essential use exemptions;
- increase the time until PFASs restrictions come into effect in order to provide sufficient time for testing alternatives under the same use conditions;

- Exclude alternatives from potential future restriction/ban;
- Derogate from the restrictions where PFASs have a vital importance for the EU economy;
- Focus on critical emissions during manufacturing and end of live (EoL)-topics;
- Consider the implementation of closed loop production and a circular economy.