

Brussels, 8 June 2020

Statement on EU legal requirements regarding Perfluorooctanoic acid (PFOA), its salts and related substances.

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) are a large family of chemicals that are widely used to make different types of products. Within the last years there has been increased attention to the hazard of PFAS chemicals in environmental and occupational exposures.

The POP Regulation (EU) 2019/1021 is complex - especially in conjunction with the REACH Regulation - and is having a big impact on the European industry. The automotive supply chain is especially concerned-whether millions of spare parts are still allowed to be used. Therefore, CLEPA would like to highlight the following two sentences contained in Article 4 (2) of the POP Regulation:

Article 4(2) Subparagraph 1:

"For a substance added to Annex I or II after 15 July 2019, Article 3 shall not apply for a six-month period if that substance is present in articles produced before or on the date that this Regulation becomes applicable to that substance.

Article 4(2) Subparagraph 2:

Article 3 shall not apply in the case of a substance present in articles already in use before or on the date that this Regulation or Regulation (EC) No 850/2004 (Regulation on persistent organic pollutants) became applicable to that substance, whichever date came first."

With regards to the first subparagraph of Article 4 (2) of the POP Regulation, CLEPA interpretation is that **articles containing PFOA can still be installed in complex articles for a further 6 months after 4 July 2020¹** in case these PFOA-containing articles have been produced by 4 July 2020 and have not been in use already (e.g. not yet placed on the market or not used to create a complex article).

The second subparagraph of Article 4 (2) describes an additional derogation beyond the one described in the first subparagraph of Article 4 (2). It refers to substances in articles delivered by a supplier and which have already been placed on the EU market before 4th of July 2020. Within the POP Regulation the term "used" has to be interpreted according to Article 3 No. 24 REACH. This article defines use as "...any processing, formulation, consumption, storage, keeping, treatment, filling into containers, transfer from one container to another, mixing, production of an article or any other use".

According to CLEPA interpretation it means, that articles containing a substance listed in Annex I or II to the POPs Regulation, **produced and already used before 4th of July 2020** can be further used in the supply chain, e.g. in the manufacture of vehicles.

For more information, please contact: @clepa.be

¹ 4th of July is mentioned in the amendment of the POP regulation concerning PFOA