



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
 AND SMES
 Ecosystems I: Chemicals, Food, Retail
 The Director

Brussels
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Subject: PFAS restriction proposal which includes all fluoropolymers

Dear [REDACTED]

Thank you for your emails dated 12 May 2023 and 21 July 2023 to the Commission. In the first email you indicate the need for a clear differentiation between PFAS and fluoropolymers and you propose to exempt all fluoropolymers from the proposed restriction as submitted by five European national authorities. In the second email you inform us on comparison made by Chemours between the UK RMOA on PFAS and the proposed restriction.

Pollution from PFAS (per- and polyfluoroalkyl substances) is a serious human health and environmental concern, considering the large number of cases of soil and water contamination across Europe - including drinking water. At the same time, PFAS are needed in critical applications, for example in the digital and energy sectors (e.g. semiconductors, electrolyzers and membranes for green hydrogen production). Under the REACH Regulation, five national authorities (from the Netherlands, Germany, Denmark, Sweden and Norway) have proposed a broad ban with some derogations on the use of PFAS. This proposal is currently undergoing an independent scientific assessment in the European Chemicals Agency (ECHA) Committees.

The Commission is aware that PFAS are used in semi-conductors, electrolyzers, fuel cells, batteries and many more components applied in numerous sectors, including the defence and medical sectors and in net-zero technologies. 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. Therefore, the Commission envisages that derogations will be introduced for critical uses where no alternatives are currently available, while taking into account the need to minimise emissions of PFAS for the derogated uses in their entire life cycle.

The Commission carefully follows regulatory developments on PFAS in several jurisdictions and took note of the RMOA prepared by the UK.

Yours sincerely,

(e-signed)
 Kristin SCHREIBER