

Brussels, 17 May 2023

Ms Kerstin Jorna

Director-General for Internal Market,
Industry, Entrepreneurship and SMEs (GROW)
Avenue d'Auderghem 45
1040 Bruxelles, Belgium

Ms Florika Fink-Hooijer

Director-General for Environment (ENV)
Avenue d'Auderghem 19
1040 Bruxelles, Belgium

Subject: Machinery industry's concerns on the method underpinning the PFAS Restriction Proposal under REACH Regulation (EC) No 1907/2006

Dear Director-General Jorna,
Dear Director-General Fink-Hooijer,

In the aftermath of the publication of the PFAS restriction proposal and a few weeks into the stakeholder consultation being carried out by the European Chemicals Agency (ECHA), multiple trade associations representing the machinery industry think its concerns are serious enough to be conveyed to a higher political level in the Commission. In particular and in light of ECHA's online information session held in early April 2023, it has become apparent that the method underpinning the PFAS restriction proposal does not allow for a practical and realistic stakeholder consultation in order for ECHA to submit a sufficiently evidence-informed Opinion to the Commission.

As regards the duration of the stakeholder consultation, we are of the view that **a six-month feedback period is not commensurate with the magnitude of a restriction proposal** that provides for a ban on manufacture, use and placing on the market of over 10,000 PFAS. Amongst the more than 26,000 substances registered into ECHA database today, there is no list available from the regulators assessing clearly which substances are included into the PFAS family of substances. Our global supply chains have never been required to provide information on most of these 10,000 substances and especially at the threshold currently in force. The proposed timeframe will not enable the manufacturing companies to precisely account with robust evidence for content of PFAS in various forms along their supply chains. **Therefore, for reasons of proportionality, we call upon DG GROW and DG ENV to initiate a timely amendment to the Article 69(6) of the REACH Regulation in force in order to extend ECHA's stakeholder consultation by 12 months at least.**

In addition, opting for **a one-ban-fits-all approach** on a massively diverse scope of PFAS with different risk profiles on sometimes very technical parts **brings about a disproportionate burden for a**

significant part of the supply chain and the manufacturers. Developing alternatives, where possible, takes years insofar as our industry is driven by thorough procedures of validation and testing of components. Other trade associations such as Plastics Europe's Fluoropolymers Product Group (FPG) fairly proposed to take the various toxicologic profiles of PFAS into account. For instance, concerns of persistence can be appropriately dealt with through responsible manufacturing and End of Life (EoL) risk-management practices instead of a total ban. Many applications take on the unique engineering properties of PFAS such as corrosion resistance, thermal and chemical stability, that are required for durability, reliability, and flame retardant of modern applications. Banning all PFAS applications would also have severe implications on replacement parts for long-lasting industrial products that would become useless and unsafe without repair options. To avoid premature obsolescence, specific exemptions for spare parts and aftermarket components should be considered.

Ultimately, we invite you to revise ECHA's proposed list of derogations in light of the industrial reality of the utilization of products. For example, under this restriction proposal, **the non-road mobile machinery (NRMM) sector was not considered in the derogation section**, unlike the automotive industry, whereas its use of complex products is similar and shares similar supply chain. When it comes to applications and essential use cases, most of the arguments made in favor of the automotive sector are valid also for non-road applications, with the additional challenge that working conditions are more extreme and harsher, which brings about further difficulties finding suitable alternative materials. In the same vein, the typology of derogations ('proposed' or 'for reconsideration') ought to be applied in line with the industrial realities of the availability of alternatives.

The machinery industry stands ready to pursue the dialogue with your Directorates-General and contribute its evidence-informed solutions to their ongoing and upcoming stakeholder consultations.

Yours sincerely

