



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMEs

The Director General

Brussels
GROW.F.1. [REDACTED]
grow.f.1(2023)8778438

[REDACTED]
AmCham EU
[REDACTED]@amchameu.eu

Subject: Letter on PFAS restriction

Dear [REDACTED]

I would like to thank you for your letter, also addressed to Commissioner Breton, regarding the Regulation on the registration, evaluation, authorisation and restriction of chemicals (REACH) and specifically expressing your concerns on the negative impact of the proposed restriction of PFAS (per- and polyfluoroalkyl substances) on a wide variety of sectors, weakening the attractiveness of Europe and EU-US cooperation, in particular the Trade and Technology Council.

Pollution with PFAS is a serious human health and environmental concern globally, prompting regulatory action in many trading partner countries. In Europe, it triggered the proposal by five national authorities, under the REACH Regulation, of a broad ban with some derogations on the use of PFAS. This proposal is currently undergoing an independent scientific assessment by the European Chemicals Agency (ECHA) Committees, which includes a socio-economic analysis. Wider implications on trade and competitiveness will be duly considered as part of this independent assessment.

The Commission is aware that PFAS are needed in critical applications, for example in the digital and energy sectors (e.g., semiconductors, electrolyzers, and membranes for green hydrogen production) or in the manufacturing of active pharmaceutical ingredients and medicinal products. For some of these applications, there are currently no suitable alternatives available on the market. 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 considering the need to minimise emissions of PFAS for the derogated uses in their entire life cycle.

While fully committed to the objectives of the Chemicals Strategy for Sustainability to phase out PFAS unless essential for society, the Commission will have in mind consistency with other key EU policy objectives, such as making the EU climate-neutral by 2050 and

reducing greenhouse gas emissions by 55% in 2030, when deciding on a restriction of PFAS under REACH.

Yours sincerely,

(e-signed)
Kerstin Jorna