



EUROPEAN COMMISSION

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

Ecosystems I: Chemicals, Food, Retail

DIRECTORATE-GENERAL FOR ENVIRONMENT

Directorate B – Circular Economy

The Directors

Brussels

GROW.F.1

grow.f.1(2023) 6207926



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

Dear 

Thank you for your letter dated 17 May 2023 to the Director General for Internal Market, Industry, Entrepreneurship and SMEs, Ms Jorna, and to the Director General for Environment, Ms Fink-Hooijer, in which you express your deep concern about the PFAS restriction proposal under the REACH regulation. Ms Jorna and Ms Fink-Hooijer have asked us to reply on their behalf.

In January 2023, the national authorities from the Netherlands, Germany, Denmark, Sweden and Norway submitted a restriction dossier under the REACH Regulation to the European Chemicals Agency (ECHA) to restrict PFAS. The Commission is aware that PFAS are used in many applications of the machinery industry. 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 during the entire life cycle. Derogations not proposed in the initial dossier can be introduced during the ECHA's Committees assessment, if detailed supporting information is provided during the public consultations.

There are two stakeholder consultations during the preparation of the opinion by ECHA. The first 6-month consultation has been launched and will run until 25 September 2023. It is extremely important that stakeholders provide their input during this consultation. The

6-month consultation is an opportunity for the different sectors to identify further uses that might deserve a derogation. The second 2-month consultation will take place next year on the draft SEAC opinion. More information on the restriction process, the submitted dossier and the consultation process can be found on ECHA's webpage¹.

The Commission considers that a consultation period of 6 months allows sufficient time to provide the necessary information, especially since the restriction was announced well in advance and the national authorities already reached out twice to industry stakeholders in preparing their dossier. Therefore, the Commission is not envisaging to ask ECHA for an extension of the consultation.

Yours sincerely,

(e-sign)

Kristin Schreiber
DG Internal Market, Industry,
Entrepreneurship and SMEs

(e-sign)

Aurel Ciobanu-Dordea
DG Environment

¹ <https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e18663449b>