

From: [REDACTED] on behalf of [VAN DER ZANDT Peter](#)
To: [REDACTED] [@fieldfisher.com](#)
Cc: [REDACTED] [@fieldfisher.com](#); [REDACTED] [@fieldfisher.com](#); [REDACTED] [@fieldfisher.com](#);
[ECHA Management Board](#); [ECHA EO](#); [REDACTED]
Subject: RE: Conformity check of the Annex XV Restriction Report Proposal for PFASs
Date: 31 March 2023 10:28:13
Attachments: [image008.jpg](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image348696.png](#)
[~WRD0004.jpg](#)
[D\(2023\)0316_Conformity check_Annex XV Restriction report_PFASs proposal.pdf](#)
Importance: High

Dear Mr [REDACTED],

Please find attached a letter from Peter van der Zandt, Director of Risk Management, European Chemicals Agency.

Yours sincerely,

[REDACTED]
[REDACTED]
European Chemicals Agency
B.O. Box 400, FI-00121 Helsinki, Finland
Tel.: +358 9 [REDACTED]
<http://echa.europa.eu/>


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From: [REDACTED] [@fieldfisher.com](#)>
Sent: Tuesday, March 14, 2023 4:58 PM
To: ECHA EO <executive-director@echa.europa.eu>; ECHA Management Board <mb-secretariat@echa.europa.eu>
Cc: [REDACTED] [@echa.europa.eu](#)>; [REDACTED]
[REDACTED] [@fieldfisher.com](#)>; [REDACTED]
[REDACTED] [@fieldfisher.com](#)>; [REDACTED] [@fieldfisher.com](#)>
Subject: RE: Conformity check of the Annex XV Restriction Report Proposal for PFASs [FFW-DOCS.FID6586091]

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Dear [REDACTED],

Thank you for your email. As you suggested, we will from now on address documents directly to the ECHA Committees (we understood that these were not to be approached directly).

In response to your email concerning the admissibility of our document submission, please note the following.

We submitted our document to ECHA's Secretariat and Executive Director for circulation to the ECHA Committees on 8 March 2023, i.e., 7 days before the RAC meeting.

You replied on the following day, stating that documents should be submitted 10 days before RAC meetings.

However, in the present case, our document should be accepted by RAC for the following reasons:

1. The 10-day deadline is not prescriptive. According to Article 14 of the RAC Rules of Procedure, "*documents shall normally be made available at least ten calendar days before the meeting*" (emphasis added). The word "normally" implies that there can be exceptions to the rule, and indeed, in the past certain documents were admitted within a shorter timeframe.
2. The 10-day rule is explained by the length/volume of a document. In the instant case, our document is only 6 pages long.
3. The 10-day rule may be shortened to 7 days, or less, in case of urgency. According to Article 15 of the RAC Rules of Procedure, documents for an urgent meeting shall be circulated at the latest 7 calendar days before the start of the meeting. As explained in my email below, the case of PFAS is urgent because it is unique, unprecedented and raises substantive methodological concerns, with 10,000 substances declined in multiple uses being grouped together into a single Annex XV proposal. The latter will have a major impact on the EU industry and economic operators.

Based on the foregoing, we conclude that there are reasonable grounds for admitting our document submission for consideration by the RAC members during their 15 March 2023 meeting at which the PFAS Restriction Proposal will be discussed. Discarding the document from the RACH discussions would not be in line with the principle of fair hearing.

Also, in accordance with Article 7 of the Rules of Procedure of the Committees, RAC meetings are chaired by an employee of ECHA assigned by ECHA's Executive Director, which is the reason why we addressed our document to you as Governance officer and to ECHA's Executive Director (for further circulation to RAC members).

Finally, could you please specify whether it would be possible to obtain an accreditation for participation in RAC / SEAC meetings, either directly or through CEFIC or any other stakeholder?

We look forward to hearing from you and thank you in advance for your understanding and collaboration on this important matter.

Best regards,

[REDACTED]

[REDACTED]

D: +32 2 742

M: +32 477

[REDACTED]

[REDACTED]



From: ECHA EO <executive-director@echa.europa.eu>

Sent: Tuesday, March 14, 2023 10:49 AM

To: [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; ECHA EO <executive-director@echa.europa.eu>; ECHA Management Board <mb-secretariat@echa.europa.eu>

Cc: [REDACTED] <[\[REDACTED\]@echa.europa.eu](mailto:[REDACTED]@echa.europa.eu)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; ECHA Committee Risk Assessment <rac@echa.europa.eu>; ECHA Committee Socio-economic Analysis <seac@echa.europa.eu>

Subject: RE: Conformity check of the Annex XV Restriction Report Proposal for PFASs [FFW-DOCS.FID6586091]

Dear [REDACTED],

Thank you for your email.

Please note that all submissions must be made during the formal RAC consultation process and, for plenary, before the 10-day moratorium during which new documents may not be tabled to RAC members. According to the RAC Rules of Procedure, the Committee is therefore not in a position to consider the document you submitted for this meeting. In addition, you do not have accreditation for participation.

I would like to re-iterate that your messages addressed to the ECHA committees should be sent to the email addresses included in the cc field (rac@echa.europa.eu and seac@echa.europa.eu) and not to this email.

Thank you for your cooperation and best regards,

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>

Sent: Monday, March 13, 2023 4:13 PM

To: ECHA EO <executive-director@echa.europa.eu>; ECHA Management Board <mb-secretariat@echa.europa.eu>

Cc: [REDACTED] <[\[REDACTED\]@echa.europa.eu](mailto:[REDACTED]@echa.europa.eu)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; ECHA Committee Risk Assessment <rac@echa.europa.eu>; ECHA Committee Socio-economic Analysis <seac@echa.europa.eu>

Subject: RE: Conformity check of the Annex XV Restriction Report Proposal for PFASs [FFW-DOCS.FID6586091]

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Dear [REDACTED]

Further to our email sent on 8 March, we are available to respond to any questions you or RAC members may have in relation to our white paper on the Annex XV Restriction Report Proposal for PFASs.

Within this context, we would be grateful if you allowed us the opportunity to make a short intervention during the RAC Meeting on 15 March 2023, in order to briefly present the arguments raised in the white paper and address any questions

The case of PFAS is unique and unprecedented, with 10,000 substances declined in many different uses and applications being grouped together into a single Annex XV proposal, with related methodological and legal issues. As such, it will have a major impact on the industry and economic operators.

We look forward to hearing from you and thank you in advance for your collaboration.

Best regards,

[REDACTED]

[REDACTED]
[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED] <[REDACTED]@fieldfisher.com>

Sent: Friday, March 10, 2023 10:13 AM

To: ECHA EO <executive-director@echa.europa.eu>; ECHA Management Board <mb-secretariat@echa.europa.eu>

Cc: [REDACTED] <[\[REDACTED\]@echa.europa.eu](mailto:[REDACTED]@echa.europa.eu)>; [REDACTED]

[REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED]

[REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; ECHA Committee Risk Assessment <rac@echa.europa.eu>; ECHA Committee Socio-economic Analysis <seac@echa.europa.eu>

Subject: RE: Conformity check of the Annex XV Restriction Report Proposal for PFASs [FFW-DOCS.FID6586091]

Dear [REDACTED],

Many thanks for confirming receipt of the white paper and its transmission to the RAC and SEAC.

We look forward to hearing back from ECHA.

Best regards,

[REDACTED]

[REDACTED]
[REDACTED]
D: +32 2 742 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: ECHA EO <executive-director@echa.europa.eu>

Sent: Thursday, March 9, 2023 8:13 PM

To: [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; ECHA Management Board <mb-secretariat@echa.europa.eu>; ECHA EO <executive-director@echa.europa.eu>

Cc: [REDACTED] <[\[REDACTED\]@echa.europa.eu](mailto:[REDACTED]@echa.europa.eu)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; ECHA Committee Risk Assessment <rac@echa.europa.eu>; ECHA Committee Socio-economic Analysis <seac@echa.europa.eu>

Subject: RE: Conformity check of the Annex XV Restriction Report Proposal for PFASs

Dear [REDACTED] and [REDACTED],

Thank you for your email, of which I acknowledge receipt. It has been transmitted to the RAC and SEAC (please see their email addresses in cc for any further correspondence).

Best regards,

[REDACTED]
Governance, Strategy and Relations Unit
European Chemicals Agency
P.O. Box 400, FI-00121 Helsinki, Finland
Tel. +358 9 6861 [REDACTED]
Mob. +358 50 416 [REDACTED]

[REDACTED] <[\[REDACTED\]@echa.europa.eu](mailto:[REDACTED]@echa.europa.eu)>
<http://echa.europa.eu/>



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From: [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>

Sent: Wednesday, March 8, 2023 10:34 PM

To: ECHA Management Board <mb-secretariat@echa.europa.eu>; ECHA EO <executive-director@echa.europa.eu>

Cc: [REDACTED] <[\[REDACTED\]@echa.europa.eu](mailto:[REDACTED]@echa.europa.eu)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>; [REDACTED] <[\[REDACTED\]@fieldfisher.com](mailto:[REDACTED]@fieldfisher.com)>

Subject: Conformity check of the Annex XV Restriction Report Proposal for PFASs

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Dear ECHA Secretariat,

We refer to the "*Annex XV Restriction Report Proposal for a restriction for Per- and polyfluoroalkyl substances (PFASs)*" and its Annexes ("the Proposal"), submitted to ECHA on 13 January 2023 and officially published on 7 February 2023.

We understand that the ECHA's Committee for Socio-Economic Analysis ("SEAC") and Committee for Risk Assessment ("RAC") will respectively meet on 10 March and on 15 March 2023 to discuss the content of this Proposal. We understand that in the context of these meetings, the Committees will vote on the conformity of the Proposal with the requirements set in Annex XV of REACH Regulation, so-called "conformity check procedure".

However, we believe that the Proposal should not move forward in the REACH restriction procedure as it appears legally flawed for the reasons set out in the *attached document*.

In order to ensure due process, we kindly ask the ECHA Secretariat to share this document with the RAC and SEAC members ahead of their respective meetings.

If the RAC and SAC members consider that the Proposal does not conform, they should send the Proposal back to the Dossier Submitters so that the latter may bring it in compliance within 60 days of receipt.

May we please ask you to acknowledge receipt of this email?

We thank you in advance for your collaboration and we look forward to hearing back from you.

Best regards,

[Redacted signature] / [Redacted signature]

[Redacted signature block]

D: +32 2 742 [Redacted]

[Redacted signature block]

[Redacted signature block]

[Redacted signature block]

Fieldfisher, L'Arsenal, Boulevard Louis Schmidlaan 29 box 15, B-1040, Brussels

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