

From: [REDACTED]
To: [REDACTED]
Subject: FW: FOA_interdiction_2020-07-04th_questions_about_validity
Importance: High

Dear [REDACTED]

I apologize for the delay in replying, due, among other things, to delays in the finalisation of the delegated act. Please notice that the delegated act amending Annex I of the POPs Regulation for PFOA, its salts and PFOA-related compounds has been adopted and is now publicly available <https://webgate.ec.europa.eu/regdel/#/delegatedActs/1371>.

The entry into application is foreseen for 4 July 2020, if there are no objections from Council and Parliament in the next two months.

Concerning your questions: if both the following conditions apply, you can still use [REDACTED]

[REDACTED] after 4 July 2020:

- [REDACTED] fulfils the definition of "article" of point 3 of Article 3 of REACH Regulation:
"an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition"
- [REDACTED] is already in use before 4 July 2020 (Art. 2, paragraph 2 of POPs Regulation).

NB: the definition of use of REACH Regulation applies: *"processing, formulation, consumption, storage, keeping, treatment, filling into containers, transfer from one container to another, mixing, production of an article or any other utilisation"*. We advise you to keep relevant documentation at hand proving that [REDACTED] was already in use (e.g. the production date) before 4 July 2020.

Please notice that this is a preliminary interpretation of Art. 2 of the POPs Regulation and we will discuss it during next meeting of the POP Competent Authorities, before publishing a "question and answer".

Concerning your question on the concentration of PFOA in the article, please notice that the 25 ppb limit would apply to [REDACTED] and not to the whole article.

Concerning your question on exemptions, please consult the version of the delegated act which was adopted. It foresees some exemption on the use of PFOA for the production of [REDACTED] in some specific applications.

Regards

[REDACTED]

From: [REDACTED]
Sent: Monday, January 27, 2020 3:47 PM
To: ENV POP <ENV-POP@ec.europa.eu>
Subject: FOA_interdiction_2020-07-04th_questions_about_validity
Importance: High

To whom it may concern,

I would be very glad to get the chance to discuss these questions with one of the commission expert group member. I would appreciate if you would either call me directly or share some contact data with me. I talk English, German or French fluently...

We need to get a clear understanding about the impact of the new regulation on the usage of PFOA which will be valid from 2020/07/04th on.

- The affected good containing the PFOA substance is [REDACTED]. Due to the amount of PFOA in [REDACTED] will be forbidden for import or usage in EU from 2020/07/04th
- What would happen to sub-assemblies already produced before 2020/07/04th including [REDACTED] but where the percentaged weight in this sub-assembly would not exceed the new legal limit?

- o Could these sub-assemblies be used for further production in EU and then sold to customer after 2020/07/04?
- What would happen to final products already produced before 2020/07/04th including [REDACTED] but where the percentage weight in this sub-assembly would not exceed the new legal limit?
- o Could these products still be sold to customers after 2020/07/04th?

Out actual understanding

1. PFOA belongs to ANNEX XVII to REACH as entry 68
2. PFOA not allowed to be used and to be sold in EU from 2020/07/04th
3. [REDACTED] is an article, i.e. [REDACTED] is not allowed to be used in any kind of product leaving [REDACTED] from 2020/07/04th. The supply chain needs to make sure that [REDACTED] can produce with a new PFOA [REDACTED] from 2020/07/04th on.

These are the questions to be answered:

- A. [REDACTED]
 - Are the applications thereof the products are already on the market impacted by the new regulation as well?
 - B. If we consider the smallest product leaving our plants it is [REDACTED]
 - [REDACTED] The percentage content of PFOA in this product is lower than 25 ppb → Is our product impacted by the new regulation?
 - C. What is the exact meaning regarding the date?
 - o From 2020/07/04th means that the last day allowed to use and to sell PFOA is 2020/07/04th? Or is it already forbidden on 2020/07/04th?
 - D. Some exemptions exist...
 - Is there any exemption valid for our product to be not impacted by this new regulation?
 - [REDACTED]
 - Is there any exemption to allow us to use [REDACTED] in our production and in our products for a longer time e.g. 6 more months?
 - E. The supplier of [REDACTED] explained that some discussions are ongoing with the EU agency. Some organizations/companies are trying to obtain some more time or even some exemptions...
 - o Es gibt 25 Feedback Eingaben, die auf der Seite der EU Commission aufgeführt sind: https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-6890180_en
 - Feedback period was from 2019/11/07th until 2019/12/05th
 - On this website we can also find a draft out of the last commission expert group meeting: **“Annex - Ares(2019)6890180/1. (PFOA_POP_Part-2019....)”** with this content:
 - “8. Use of articles already in use in the Union before 4 July 2020 containing PFOA, its salts and/or PFOA-related compounds shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.” “
- a. How does this re-discussion process work? Any end date?
 - b. Is there anything for us to be expected out of such a discussion?
 - c. Exemption according to “8.” Already valid? When? Under which conditions?

Tel. | Mobil