

NOTE INTERNE

SUBJECT Overview of the BE positions related to PFAS

11/08/2021

Conclusions du Conseil...

- **Du 26 juin 2019, "Towards a Sustainable Chemicals Policy Strategy for the Union"**

<https://www.consilium.europa.eu/media/40042/st10713-en19.pdf>

Para. 14, "UNDERLINES the increasing health and environmental concerns posed by highly persistent chemicals; NOTES in specific the growing evidence for adverse effects caused by exposure to highly fluorinated compounds (PFAS), the evidence for wide spread occurrence of PFAS in water, soil, articles and waste and the threat this may cause to our drinking water supplies; CALLS on the Commission to develop an action plan to eliminate all non-essential uses of PFAS;"

- **Du 15 mars 2021, "Sustainable Chemicals Strategy of the Union: Time to Deliver"**

<https://data.consilium.europa.eu/doc/document/ST-6941-2021-INIT/en/pdf>

Para. 12, "HIGHLIGHTS the importance of actions in relation to (...) per- and polyfluoroalkyl substances (PFAS), (...);"

Para. 13, "UNDERLINES that PFAS require special attention since they pose threats to human health and the environment, and the need to ensure that they are eliminated, unless their use is proven essential to society; CALLS ON the Commission to regularly inform the Council about the progress of the PFAS- Action Plan included in the Chemicals Strategy; INVITES the Commission to present further measures to complement the anticipated PFAS restriction proposal;"

A ce propos, en vue de la préparation du WPE du 16 février 2021, la fiche CCPIE finale portait les instructions suivantes en ce qui concerne le para. 13 :

« The use of PFAS that are critical for society should only be allowed if suitable alternatives are not available. As emphasized by the COM in the COMMISSION STAFF WORKING DOCUMENT on PFAS (SWD(2020) 249 final), such an approach would lead to the development of alternatives and new business opportunities, especially if supported with Research and Development funding. Furthermore, we echo the request of the European Parliament in its resolution (2020/2531(RSP) in asking the Commission to "ensure the speedy phasing out of all non-essential uses of PFAS, and to accelerate the

development of safe and non-persistent alternatives to all uses of PFAS”. To properly reflected this approach in point 13, we would suggest the following changes:

“UNDERLINES that PFAS substances require special attention to ensure that they are phased out unless their use is proven to be essential for society and suitable alternatives to be not available, since they pose threats to human health and the environment; CALLS ON the Commission to present a cross-sectoral and holistic PFAS-strategy ensuring the swift phasing out of all non-essential uses of PFAS, and to accelerate the development of safe and non-persistent alternatives to all uses of PFAS, to complement the anticipated PFAS restriction proposals.” »

+ Belgian written statement

<https://data.consilium.europa.eu/doc/document/ST-6941-2021-ADD-1/en/pdf>

“We also regret the lack of any reference to the availability of alternatives to PFAS. We therefore reiterate our support for banning them, except for certain specific uses for which it is proven that they are essential for society and provided that, and for as long as, there is no alternative available.”

Résolution du Parlement Européen

- **European Parliament resolution of 10 July 2020 on the Chemicals Strategy for Sustainability**

https://www.europarl.europa.eu/doceo/document/TA-9-2020-0201_EN.html

“72. Urges the Commission to set firm deadlines in the action plan on perfluoroalkylated substances (PFAS) so as to ensure the speedy phasing out of all non-essential uses of PFAS, and to accelerate the development of safe and non-persistent alternatives to all uses of PFAS as part of the Chemicals Strategy for Sustainability;”

REACH-Up Joint Actions...

- **Joint letter from Austria, Belgium, Denmark, France, Luxembourg, The Netherlands, Norway, Spain and Sweden, 15 décembre 2019**

“We call for an EU action plan to address the large group of fluorinated substances (PFAS) which are of great concern due to their extreme persistency and our advancing knowledge of their adverse effect on human health and the environment. This action plan, with the goal to eliminate all uses of PFAS, should be ready before mid-2020. Management and remediation strategies for PFAS contamination already present in soils and drinking water resources should be included.”

- **Published op-ed in Chemical Watch, “Ten countries issue last-minute plea for ‘ambitious’ EU Chemicals Strategy”, 30 septembre 2020**

“(…) the Commission should continuously develop the EU chemicals policy to address existing and emerging issues of concern such as endocrine disruptors, combination effects and persistent fluorinated substances (PFAS).”

- **Joint declaration of Austria, Belgium, Denmark, Finland, France, Luxembourg, the Netherlands, Norway, Spain and Sweden, Conseil ENVI 23 octobre 2020**

"The strategy looks promising in many aspects, with its action plan with concrete measures and detailed timeframes. Particularly pleased to see measures in areas such as endocrine disruptors, hazardous chemicals in articles including import and export, combination effects and very persistent chemicals such as PFAS."

Documents de positionnement BE...

- **Position CIMES (13/12/2019)**

Une lettre (commune avec le Danemark, le Luxembourg, la Norvège, la Suède ainsi que les autorités compétentes d'Autriche, Finlande, Allemagne et Italie) envoyée à plusieurs Commissaires européens par Mme la Ministre Marghem, au nom de l'ensemble des Ministres de la CIMES, accompagnant un document d'une quinzaine de pages qui identifie les actions à prendre dans le cadre des PFAS.

- **BE contribution to the Roadmap on the Chemicals Strategy for Sustainability, 19 juin 2020**

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12264-Chemicals-strategy-for-sustainability-/F525411>

"As recalled in paragraph 14 of the Council Conclusions of 26 June 2019 'Towards a Sustainable Chemicals Policy Strategy of the Union', PFASs are a matter of great concern due to their extreme persistence, mobility in the environment and ability to bioaccumulate in living organisms. They constitute a group of thousands of man-made chemicals that are widely used in various consumer and industrial products. Because PFASs are extremely persistent, it is imperative to minimise the further release of these substances as soon as possible, which means that action must be taken without delay.

We urge the Commission to develop – as a priority and early in the new legislative period – a coherent and coordinated EU action plan for PFASs. This action plan should address all PFAS-related issues through regulatory and non-regulatory actions and drive the work in a coherent direction. A key message is that we cannot continue with the current inefficient substance-by-substance assessment, which only leads authorities to a paralysis by analysis situation due to the extremely high number of PFAS that can be used as substitutes and the consequent scarcity of data on the substitutes. In order to avoid regrettable substitution and lack of action on those problematic substances, we must manage all PFASs as a group or a limited number of sub-groups depending on the properties and uses. We advise therefore that innovation efforts and European research programs should focus on alternatives.

We support that action to phase out PFASs be taken at EU-level no later than 2025 and be in effect by 2030, in line with the timeframe for the UN Global Goals for Sustainable Development.

As the June Environment Council concluded, the use of this group of substances should be limited to essential uses for which alternatives are not yet available, using a definition of essential uses inspired by the Montreal Protocol. The grouping approach is central to making risk assessment and risk management simple and robust

across sectors in accordance with the finding of the REFIT evaluations of chemicals legislation, and to facilitate the transition to green and sustainable chemistry in a circular economy.

Finally, we are of the view that this PFAs action plan should be seen as a first step to regulate very persistent substances in Europe.”

- **BE intervention during the ENVI Council 19/12/2019**

Source : fiche CCPIE du 11/12/2019

“Belgium welcomes this restriction initiative, as it is in line with the council’s conclusions from June 2019 about the phase-out of PFAS substances.

However, BE would like to highlight that essential uses should be allowed only until alternatives are available. In this respect the discussions about green chemistry are important.

Data available about PFAS in BE will be provided for informing the process (e.g. environmental/food monitoring, uses.”

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