

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Firefighting foams in the marine sector and applicable regulations
Date: 28 May 2021 17:51:13
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[EU Regulation 2003.pdf](#)

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Dear [REDACTED]

Could non-EU flag vessels purchase PFAS foams outside the EU and be able to use them in EU waters even if this use would be forbidden under REACH?

My reply is yes. The law applicable on non-EU flag vessels is the law of the flag state, even if they are calling at an EU port.

Therefore, when the restriction on organostannic compounds under Council Directive 76/769/EEC (the predecessor of the REACH restrictions chapter) came into force, the Commission adopted a separate Regulation in order to enforce that restriction also on ships (see attached).

Best regards, [REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Friday, May 28, 2021 3:52 PM
To: [REDACTED] (MOVE) <[REDACTED]>
Cc: [REDACTED] (ENV) <[REDACTED]>
Subject: RE: Firefighting foams in the marine sector and applicable regulations

Dear [REDACTED]

Coming back on the below, besides the restriction on the placing on the market, could you please clarify how would a restriction on the **use** of PFAS firefighting foams would apply to vessels (whether registered under an EU flag or not) – particularly within the territorial waters of an EU MS. Could non-EU flag vessels purchase PFAS foams outside the EU and be able to use them in EU waters even if this use would be forbidden under REACH?

Thank you for the clarification and have a nice week-end,

Best regards,

[REDACTED]

From: [REDACTED]

Sent: 28 May 2021 09:34

To: [REDACTED] <[REDACTED]>
<[REDACTED]>

Subject: RE: Firefighting foams in the marine sector and applicable regulations

Dear [REDACTED] and [REDACTED]

Thank you very much for this information, this is very helpful. FYI we have reached out to several EU marine-related industry association with a survey to collect further information on their use of firefighting foams but we haven't got much feedback so far. At least we have informed them that this restriction proposal is in the pipeline and they can get prepared (I had informed EMSA as well).

Best regards,

[REDACTED]

From: [REDACTED] <[REDACTED]>

Sent: 28 May 2021 09:23

To: [REDACTED] <[REDACTED]>

Cc: [REDACTED] <[REDACTED]>

Subject: RE: Firefighting foams in the marine sector and applicable regulations

Many thanks [REDACTED] for your clear reply.

I copy [REDACTED] so that he has all the information.

I will keep you updated on the progress of the restriction.

Kind regards

[REDACTED]

From: [REDACTED] (MOVE) <[REDACTED]>

Sent: Thursday, May 27, 2021 6:05 PM

To: [REDACTED] (ENV) <[REDACTED]>

Subject: RE: Firefighting foams in the marine sector and applicable regulations

Dear [REDACTED]

Certain firefighting foams fall under Directive 2014/90/EU on marine equipment (for which I am responsible).

The Directive however only transposes IMO requirements and makes them applicable on vessels flying the flag of a Member State.

A REACH restriction would prevent the placing of the firefighting forms in question on the EU market, and on ships which are being built in the EU. However, they would not be enforceable on non-EU flag-vessels, and would not prevent EU ships to bunker firefighting foams outside the EU (most of the ships are currently built in China or Korea).

Therefore I would suggest to continue with the preparation of the restriction,

and once it is adopted to take the case to the IMO and aim at a worldwide restriction there.

For more information on the process, I would suggest that [REDACTED] contacts [REDACTED] [REDACTED] at ECHA, with whom we have been working regarding a worldwide restriction on cybutryne.

Hope this helps, [REDACTED]

From: [REDACTED] (ENV) <[REDACTED]>
Sent: Thursday, May 27, 2021 4:42 PM
To: [REDACTED] (MOVE) <[REDACTED]>
Subject: FW: Firefighting foams in the marine sector and applicable regulations

Dear [REDACTED]

I'm back again on PFAS. As you probably know, ECHA is preparing a restriction on all PFAS in fire-fighting foams. Since it would apply also to fire-fighting foams in ships, they would like to have an idea of existing legislation to avoid to have conflicts. You can see the e-mail below from [REDACTED] for more details. Would you be the right contact person on this?

Thanks!

[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, May 26, 2021 12:05 PM
To: [REDACTED] (ENV)
<[REDACTED]>
Subject: Firefighting foams in the marine sector and applicable regulations

Dear [REDACTED]

I hope you had a nice break. I was wondering how a REACH restriction which would impact the marine sector would fit with the existing marine-specific EU or international regulations/directives (would there be possible conflicts?). Also, if the REACH restriction would apply to ships not registered in the EU but coming to the EU waters and ports (e.g. ships having the Panama flag, flags of convenience).

Do you know the response yourself or who in the Commission would be able to shed some light on this?

Thank you!

Best regards,

[REDACTED]

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