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FLASH UPDATE: ECHA PUBLISHES EU PFAS REACH RESTRICTION PROPOSAL

Dear Colleagues,

Today, the European Chemicals Agency (ECHA) pre-published the EU PFAS restriction proposal, submitted by the Competent Authorities of Germany, Denmark, the Netherlands, Norway and Sweden on 13 January.

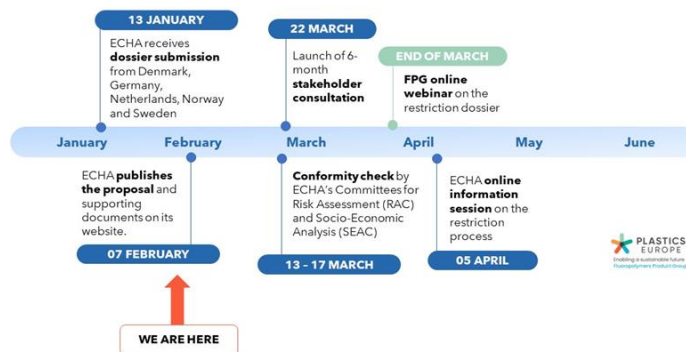
This special edition of our newsletter will provide an initial overview of the pre-final restriction proposal, with a particular focus on the provisions that impact fluoropolymers. The Fluoropolymers Product Group will also hold a first [webinar](#) on 13 February, where we will have an in-depth discussion on the proposal and answer any questions you may have on the process and how to be involved.

As ever, please also feel free to share this newsletter with your wider network and invite people to sign up by emailing me at nicolas.robin@plasticseurope.org. Thank you in advance!

Kind regards,
Nicolas Robin

Director, Fluoropolymers Product Group
nicolas.robin@plasticseurope.org

THE EU PFAS RESTRICTION PROPOSAL



Pre-publication of the restriction dossier

Over the past three years, the five Competent Authorities of Germany, Denmark, the Netherlands, Norway and Sweden have been preparing a restriction proposal covering a wide range of PFAS. Following several delays, the restriction dossier was submitted to the European Chemicals Agency (ECHA) on 13 January 2023.

The pre-publication of the proposal was published by ECHA on 7 February, including the Annex XV Report, 7 Annexes and 3 Appendices. The final version of the restriction proposal is expected on 22 March. As such the pre-publication version should not be considered as final.

Restricted applications*

The pre-publication version of the proposal states that given the sufficiently strong evidence pointing to the existence of technically and economically feasible alternatives, there are a broad range of uses where no derogation from restriction is proposed. This includes applications such as consumer cookware, cosmetics, textiles, packaging, or architectural coatings, paints, and membranes to name a few.

Applications benefiting from a derogation*

On the other hand, where the dossier submitters found there was sufficiently strong evidence, there are also a series of time-limited derogations.

Firstly, time-limited derogations include polymerisation aids in the production of polymeric PFASs (the proposal however, excludes from such a derogation the use of polymerisation aids in the manufacturing of PTFE, PVDF and FKM), technical textiles used in industrial settings, or fluoropolymer applications in the mining and petroleum sector.

Secondly, the proposal also presents potential time-limited derogations for reconsideration after the public consultation (this means that further evidence is requested by the dossier submitter from stakeholders which should be provided during the upcoming public consultation). This includes applications in the medical, transport, industrial or semiconductor sectors.

Finally, there are also a number of time un-limited derogations from restriction, given that they are addressed under their respective sectorial regulations. This includes PFASs used as active substances in Plant Protection Products (PPP), Biocidal Products (BP) and human and veterinary Medicinal Products (MP).

Impact on fluoropolymers

While the current proposal foresees a full ban on applications such as cosmetics, consumer food contact and consumer textiles, it also introduces several time-bound derogations. This notably includes fluoropolymer applications in the mining and petroleum sector, as well as several medical, transport, and industrial applications.

Following the stakeholder consultation, further derogations will also be considered. This means that the data provided by stakeholders on the alternatives and the economic importance of fluoropolymers in their sector will play a key role in shaping the final proposal.

Interestingly, the use of polymerisation aids is time-derogated from the restriction, though no derogation is proposed when used in the production of PVDF, PTFE and FKM.

For more information on the impact of the proposed restriction on fluoropolymers, please [register](#) to our online webinar on 13 February, from 15:30-16:30 CET.

Next steps: Evaluation and finalization of the dossier

The pre-publication of the restriction proposal and supporting documents by ECHA mark the beginning of the evaluation phase for the dossier. At this stage, ECHA's scientific committees for Risk Assessment (RAC) and for Socio-Economic Analysis (SEAC) will check that the proposed restriction meets the legal requirements of REACH before beginning their evaluation of the proposal.

To support the development of the opinions from RAC and SEAC, a six-month consultation is planned to start on 22 March in order to gather input from relevant stakeholders. Once the opinions are adopted, they are sent to the European Commission which will make a final decision on a potential restriction, alongside Member States.

**Note: For more information on restricted uses and derogations, please [register](#) to our online webinar on the restriction proposal. You may also [contact us](#) directly for any specific questions.*

POSITION OF THE FLUOROPOLYMERS PRODUCT GROUP ON THE PRE-FINAL RESTRICTION PROPOSAL



The position of the Fluoropolymers Product Group remains the same: the restriction proposal should differentiate between fluoropolymers and other PFAS, reflecting their safe use and importance in key applications to meet strategic European political objectives, and exempting fluoropolymers from unjustified regulatory action.

The environmental and toxicological profiles of fluoropolymers are distinctly different to the majority of other lower molecular weight PFAS. They do not display the environmental and toxicological profiles associated with some PFAS that could be considered of concern, and a vast majority meet the OECD Polymer of Low Concern criteria.

Significant benefits are generated along the value chain via the use of fluoropolymers, making them critical in numerous technologies, industrial processes, and everyday applications. At the same time, assessments of alternative materials have shown that, when available, they frequently cannot meet the critical performance characteristics of fluoropolymer-based materials.

Our position was channeled to the five competent authorities involved in the process in an open letter co-signed by the FPG and 21 EU and national stakeholders. For more information, including the list of signatories, you can find the full letter [here](#).

The Fluoropolymers Product Group will continue to advocate for a balanced restriction proposal at every step of the process, in order to ensure that fluoropolymers are exempted from unjustified regulatory action.

WEBINAR: FLUOROPOLYMERS & THE PFAS REACH RESTRICTION

PLASTICS EUROPE
Enabling a sustainable future
Fluoropolymers Product Group

13 FEBRUARY 2023
15:30-16:30h

**WEBINAR:
FLUOROPOLYMERS & THE PFAS REACH RESTRICTION**

Join us for an online webinar to discuss the publication of the draft PFAS REACH restriction dossier.

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The Fluoropolymers Product Group will hold a **first online webinar on 13 February from 15h30 to 16h30 CET**, where we will have an in-depth discussion on the proposal and answer any questions you may have on the process and how to be involved.

The webinar will provide:

- Overview of the PFAS REACH restriction proposal and relevance for fluoropolymers.
- Overview of the upcoming regulatory actions at ECHA.
- How and why you should get involved in the regulatory process.
- Update on the activities of the Fluoropolymer Product Group.

[REGISTER HERE](#)



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You received the newsletter because you have shown an interest in fluoropolymers and the work of the Fluoropolymers Product Group. Should you wish to be removed from the mailing list, please [click here](#).

If you have any questions, please feel free to reach out to the Fluoropolymers Product Group or find us on [LinkedIn](#).

Contact details:

Nicolas Robin

Director of the Fluoropolymers Product Group,
PlasticsEurope

E-mail: nicolas.robin@plasticseurope.org

Tel: +32 (0)2 792 30 99

[Email Nicolas](#)

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PlasticsEurope's Fluoropolymers Product Group
Rue Belliard 40, Box 16
1040 Brussels - Belgium
+32 (0)2 792 30 99

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