

Universal PFAS restriction: addressing critical issues in the Draft SEAC Opinion

Following the input submitted by stakeholders during the SEAC* consultation, the Universal PFAS Restriction process has now entered a new phase. While SEAC is finalising their opinion, FPP4EU would like to highlight several key messages regarding the draft opinion currently under consideration. These messages reflect our contribution to the 60-day consultation and are intended to inform the authorities of our principal concerns at this stage of the restriction process.

We focus on 7 elements:

1. emission control should be prioritised where appropriate,
2. the socio-economic and competitiveness assessment needs to be completed,
3. sector boundaries need to be defined,
4. alternatives should be assessed at application level,
5. enforcement and analytical challenges should be addressed,
6. reporting and labelling obligations should be limited to what is necessary, and
7. derogation periods should reflect sector-specific realities and the availability of viable alternatives

1 Apply a proportionate regulatory approach and focus on emission control measures rather than bans



Issue

EU-wide action on PFAS is needed, but a universal "ban with derogations" approach is impractical given the number of substances, their diverse (eco-)toxicological profiles, and the diversity of affected uses. For many industrial applications, PFAS emissions may arise at specific stages of the lifecycle and can be addressed through targeted emission controls rather than broad use prohibitions.



Solution

- Move from a blanket ban with derogations to a "continued use unless restricted" approach.
- Prioritise emission control measures over broad use bans by implementing Best Available Techniques, targeted waste management measures, and monitoring schemes where emissions can be effectively managed. In this area, more research is needed, including joint efforts between regulators, academia and industry.

* SEAC = ECHA's Socio-Economic Assessment Committee

2 Complete the socio-economic, competitiveness and cumulative impact assessment



Issue

Significant data gaps remain regarding costs, cross-sector impacts, and sectors that have not been fully assessed. At the same time, the impacts on EU competitiveness, investment, trade, strategic autonomy, access to critical resources and complex industrial systems remain insufficiently evaluated. These gaps weaken the proportionality assessment.



Solution

- Allow continued use until targeted sector assessments have been completed where evidence is insufficient, avoid conclusions based on assumptions or incomplete data, and clarify sector boundaries.
- Incorporate competitiveness and trade impacts as formal assessment criteria and assess impacts on complex industrial systems at a system-wide level. Address enforcement challenges to ensure a robust and comprehensive socio-economic assessment.

3 Clarify sector boundaries and use categorisation



Issue

PFAS are ingredients in many formulations and articles that are used in several sectors. Interconnections between sectors create uncertainty regarding assessments, applicable derogations, and compliance responsibilities.



Solution

- Conduct a cross-sector assessment to address fragmentation and overlaps.
- Provide clear guidance on derogations and use categorisation.

4 Broaden the assessment of alternatives



Issue

Alternatives are assessed too narrowly, without sufficient consideration of entire applications, value chains, safety, reliability, maintenance requirements, performance, and lifecycle impacts. Some sectors may require a more granular approach.



Solution

- Assess alternatives at the use level, focusing on whether full functionality can be maintained.
- Foresee sector/use-specific transition roadmaps based on technology readiness rather than fixed timelines.
- Ensure a robust assessment of potential alternatives, considering their entire life cycle to avoid regrettable substitution.

5 Address enforcement and analytical challenges



Issue

Enforcement is constrained by the unavailability of analytical methods for all PFAS that are requested to be measured, combined with insufficient laboratory capacity, high testing costs, uncertainty surrounding total fluorine screening, and difficulties in identifying specific PFAS in applications.



Solution

- Invest into research into analytical methods and the development of standardised testing protocols, including approaches to measure PFAS as a group of substances.
- Ensure that product compliance checks are realistic, as well for the internal market as for imports into the EU.
- Establish common approaches across Member States to support consistent enforcement.

6 Focus reporting and labelling requirements on enforcement needs



Issue

Requirements for reporting, labelling, and PFAS management plans will create additional costs, duplicate existing obligations, and increase administrative burdens while providing limited enforcement and environmental benefits.



Solution

- Limit requirements to information that is necessary for enforcement, not available elsewhere (e.g. not under the sector legislation) and aligned with a sector-specific, risk-based approach.
- Establish a harmonised EU approach that supports compliance and avoids divergent enforcement across Member States.

7 Ensure derogation periods are sector-relevant and can be extended where no alternatives exist



Issue

For uses where alternatives are under development, the default 5- and 12-year derogation periods do not reflect sector-specific realities, including R&D, qualification, certification, and market transition timelines. Fixed deadlines may jeopardise essential applications and discourage investment where viable alternatives are not yet available. Questioning derogations for uses already governed by sector-specific legislation risks regulatory overlap, legal uncertainty and duplication of existing control



Solution

- Base derogation periods on sector-specific evidence and link them to the actual availability of viable alternatives.
- Where alternatives have not yet been identified, an extension mechanism should allow continued use to avoid disruption of essential applications. This would also support continued investment in innovation and substitution efforts.
- Ensure that uses already covered by dedicated sector-specific legislation remain governed by those frameworks, avoiding duplicate regulation and inconsistent requirement