



Brussels, XXX
[...] (2024) XXX draft

ANNEX

ANNEX

to the

COMMISSION REGULATION (EU) .../...

amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards per- and polyfluoroalkyl substances in firefighting foams

ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, the following entry is added:

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| <p>‘... [<i>OP please insert the next consecutive number</i>].</p> <p>Per- and polyfluoroalkyl substances (PFAS) defined as: any substance that contains at least one fully fluorinated methyl (CF₃) or methylene (CF₂) carbon atom (without any H/Cl/Br/I attached to it).</p> | <ol style="list-style-type: none">1. Shall not be placed on the market or used as of [<i>OP: please insert the date 5 years from the date of entry into force of this Regulation</i>] in firefighting foams and firefighting foam concentrates in a concentration equal to or greater than 1 mg/L for the sum of all PFAS.2. Paragraph 1 shall not apply to:<ol style="list-style-type: none">a. perfluorooctane sulfonic acid and its derivatives (PFOS) C₈H₁₇SO₂X, to perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds and to perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds, covered by Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council*;b. linear and branched perfluorocarboxylic acids of the formula C_nF_{2n+1}-C(=O)OH where n = 8, 9, 10, 11, 12, or 13 (C9-C14 PFCAs) including their salts, and any combinations thereof, restricted under entry 68;c. undecafluorohexanoic acid (PFHxA), its salts and PFHxA-related substances, for uses restricted under entry 79.3. By way of derogation from paragraph 1, the concentration of PFAS in fluorine-free firefighting foams originating from and present in the equipment which has undergone cleaning, excluding portable fire extinguishers, shall not exceed 50 mg/L for the sum of all PFAS.4. By way of derogation from paragraph 1, PFAS may be placed on the market in a concentration equal to or greater than 1 mg/L for the sum of all PFAS:<ol style="list-style-type: none">a. until ... [<i>OP: please insert the date 12 months from the date of entry into force of this Regulation</i>] in firefighting foams in portable fire extinguishers;b. until ... [<i>OP: please insert the date 18 months from the date of entry into force of</i> |
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this Regulation] in an alcohol resistant firefighting foams in portable fire extinguishers;

c. until ... ***[OP: please insert the date 10 years from the date of entry into force of this Regulation]*** in firefighting foams and firefighting foam concentrates for uses referred to in paragraph 5, point (c).

5. By way of derogation from paragraph 1, PFAS may be used in firefighting foams and firefighting foam concentrates in a concentration equal to or greater than 1 mg/L for the sum of all PFAS:

a. until ... ***[OP: please insert the date = 18 months from the date of entry into force of this Regulation]*** for:

- (i) training and testing, except functional testing of the firefighting systems provided that all releases are contained;
- (ii) public fire services, except where those services intervene at industrial fires at establishments covered by Directive 2012/18/EU of the European Parliament and of the Council** and the use of the foams and the equipment for that purpose only.

b. until 31 December 2030, in portable fire extinguishers;

c. until ... ***[OP: please insert the date = 10 years from the date of entry into force of this Regulation]*** for:

- (i) establishments covered by Directive 2012/18/EU, except for civilian aviation (including in civilian airports) and defence other than military ships;
- (ii) installations belonging to the offshore oil and gas industry;
- (iii) military ships;
- (iv) civil ships already in service on ***[OP: please insert the date of entry into force of this Regulation]***.

The Commission shall review the derogations under point (c) before the end of the period of validity of that derogation.

6. As of ...*[OP: please insert the date [12] months from the date of entry into force of this Regulation]* users of firefighting foams and firefighting foam concentrates except users of those covered by the derogation set out in paragraph 5, point (b), shall:

- (a) ensure that firefighting foams and firefighting foam concentrates are only used for fires involving flammable liquids (class B fires);
- (b) reduce emissions to the environmental compartments and direct and indirect human exposure to firefighting foams to as low a level as is technically and practically possible;
- (c) ensure the collection of utilised PFAS-containing firefighting foams, PFAS-containing firefighting foams and stock of not-utilised firefighting foam concentrates, as well as PFAS-containing wastewater, where technically and practically possible, for adequate treatment that excludes biological wastewater treatment. That treatment shall minimise releases of PFAS to environmental compartments as far as technically and practically possible.
- (d) establish a site-specific ‘PFAS-containing firefighting foams management plan’ which shall include:
 - (i) details of the use conditions and volumes of PFAS containing foams on site, documenting how the conditions set in point (b) are achieved;
 - (ii) information on the collection and adequate treatment pursuant to point (c);
 - (iii) details on the type and methods of cleaning and maintenance of equipment;
 - (iv) plans to be implemented in the event of accidental leakage/spillage of foam including where relevant, the documentation of the follow up actions.

The management plan shall be reviewed annually and be kept available for at least 15

years for inspection, on request, by national enforcement authorities.

7. As of ... ***[OP: please insert the date - 12 months from the date of entry into force of this Regulation]***, firefighting foams and firefighting foam concentrates where the concentration is equal to or greater than 1 mg/L of the sum of all PFAS, placed on the market, excluding portable fire extinguishers shall be labelled in accordance with paragraph 9.
8. As of ... ***[OP: please insert the date - 12 months from the date of entry into force of this Regulation]***, utilised firefighting foams, or stock of not-utilised firefighting foams and firefighting foam concentrates, as well as any wastewater, where the concentration of the sum of all PFAS is greater than 1 mg/L, shall be labelled in accordance with paragraph 9.
9. For the purpose of paragraphs 7 and 8, the labelling shall include the following wording: *‘WARNING: Contains per- and polyfluoroalkyl substances (PFAS) with a concentration of (insert concentration) mg/L’*. This information shall be visibly, legibly and indelibly marked and unless the Member State(s) concerned provide(s) otherwise shall be written in the official language(s) of the Member State(s) where the mixture for firefighting is placed on the market.
10. For the purpose of this entry, ‘portable fire extinguisher’ is to be defined in accordance with the standards EN3-7, EN-1866 and EN-16856.’

*Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45, ELI: <http://data.europa.eu/eli/reg/2019/1021/oj>).

**Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1, ELI: <http://data.europa.eu/eli/dir/2012/18/oj>).