



Brussels, **XXX**
[...] (2020) **XXX** draft

ANNEX

ANNEX

to the

**COMMISSION REGULATION (EU) .../...
of XXX**

**amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament
and of the Council as regards perfluorocarboxylic acids containing 9 to 14 carbon atoms
in the chain (C9-C14 PFCAs), their salts and related substances**

ANNEX

In Annex XVII, entry 68 is replaced by the following:

<p>‘XX. 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;</p> <p>Any C9-C14 PFCA-related substance having a perfluoro group with the formula $C_nF_{2n+1}-$ directly attached to another carbon atom, where $n=8, 9, 10, 11, 12,$ or $13,$ including any combinations thereof;</p> <p>Any C9-C14 PFCA-related substance having a perfluoro group with the formula $C_nF_{2n+1}-$ that it is not directly attached to another carbon atom, where $n= 9, 10, 11, 12, 13$ or 14 as one of the structural elements, including any combinations thereof.</p> <p>The following substances are excluded from this designation</p> <ul style="list-style-type: none">• $C_nF_{2n+1}-X,$ where $X= F, Cl,$ or Br where $n=9, 10, 11, 12, 13$ or $14,$ including any combinations thereof;• $C_nF_{2n+1}-C(=O)OX'$ where $n>13$ and X'=any group, including salts.	<ol style="list-style-type: none">1. Shall not be manufactured, or placed on the market as substances on their own from [date-18 months after date of entry into force].2. Shall not, from [date-18 months from entry into force], be used in, or placed on the market in:<ol style="list-style-type: none">(a) another substance, as a constituent;(b) a mixture;(c) an article,except if the concentration in the substance, the mixture, or the article is below 25 ppb for the sum of C9-C14 PFCAs and their salts or 260 ppb for the sum of C9-C14 PFCA-related substances.3. Paragraphs 1 and 2 shall not apply to:<ol style="list-style-type: none">(a) the manufacture of a substance where this occurs as an unavoidable by-product of the manufacture of fluorochemicals with a perfluoro carbon chain equal to or shorter than 6 atoms;(b) a substance that is to be used, or is used as a transported isolated intermediate, provided that the conditions in points (a) to (f) of Article 18(4) of this Regulation are met;4. Paragraph 2 shall apply from 4 July 2023 to :<ol style="list-style-type: none">(i) textiles for oil- and water-repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety;(ii) the manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of :<ul style="list-style-type: none">- high performance, corrosion resistant gas filter membranes, water filter membranes and membranes for medical textiles;- industrial waste heat exchanger equipment;- industrial sealants capable of preventing leakage of volatile organic compounds and PM 2.5 particulates5. By way of derogation to paragraph 2, the use of
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C9-C14 PFCAs, their salts and related substances shall be allowed until 4 July 2025 for

(i) photolithography or etch processes in semiconductor manufacturing;

(ii) photographic coatings applied to films;

(iii) invasive and implantable medical devices;

(iv) fire-fighting foam for liquid fuel vapour suppression and liquid fuel fire (Class B fires) already installed in systems, including both mobile and fixed systems, subject to the following conditions:

- fire-fighting foam that contains or may contain C9-C14 PFCAs, its salts and related substances shall not be used for training;
- fire-fighting foam that contains or may contain C9-C14 PFCAs, its salts and related substances shall not be used for testing unless all releases are contained;
- from 1 January 2023, uses of fire-fighting foam that contains or may contain C9-C14 PFCAs, its salts and related substances shall only be allowed to sites where all releases can be contained;
- fire-fighting foam stockpiles that contain or may contain C9-C14 PFCAs, its salts and related substances shall be managed in accordance with Article 5 of Regulation (EU) 2019/1021.

6. Paragraph 2(c) shall not apply to articles placed on the market before [date-18 months after date of entry into force].

7. Paragraph 2 shall not apply to the can coating for pressurised metered-dose inhalers until [date-seven years after the entry into force].

8. Paragraph 2 (c) shall apply from 31 December 2023 to:

	<p>(a) semiconductors on their own; (b) semiconductors incorporated in semi-finished and finished electronic equipment.</p> <p>9. Paragraph 2(c) shall apply from 31 December 2030 to semiconductors used in spare or replacement parts for finished electronic equipment placed on the market before 31 December 2023.</p> <p>10. Until [date- 36 months after the entry into force of the restriction], the concentration limit referred to in paragraph 2 shall be 2000 ppb for the sum of C9-C14 PFCAs in fluoropolymers that contain perfluoropropoxy-groups or perfluoromethoxy-groups and are used in the following product groups: PTFE fine powders, fluoroelastomers and aqueous dispersions. From [date-36 months after the entry into force of the restriction], the concentration limit shall be 400 ppb for the sum of C9-C14 PFCAs. This derogation shall not apply to articles as referred to in paragraph 2(c).</p> <p>[Placeholder: 2 additional derogations cf recital (11)]</p> <p>11. For the purposes of this entry, C9-C14 PFCA-related substances are substances that, based on their molecular structure, are considered to have the potential to degrade or be transformed to C9-C14 PFCAs.’</p>