BDI

POSITION | CHEMICALS POLICY | PFAS

PFAS restriction procedure

Position on the current status of the procedure/updated background document dated August 20, 2025

October 6, 2025

Summary

In August 2025, the European Chemicals Agency (ECHA) published the updated proposal for the restriction of per- and polyfluoroalkyl substances (PFAS) (revised background document from the submitting authorities). As part of the revision, additional sectors and applications that had not previously been considered were identified and alternative regulatory options were evaluated. Although the revised background document now provides for additional exemptions, it does not represent a fundamental turning point. The basic approach of a comprehensive and undifferentiated ban on PFAS with time-limited, very specific exemptions remains unchanged. A comprehensive and undifferentiated ban on all PFAS, regardless of their risk assessment, would have a massive negative impact *on the entire industry and on the innovation and competitiveness of companies.*

German industry therefore feels vindicated in its position: in order to limit the negative impact of the proposed restrictions on German industry, the regulatory approach must be fundamentally revised in the further proceedings. The BDI calls for:

- **Regulation based on a risk-based approach**: Reversal of the regulatory approach – instead of a blanket ban with many exceptions, targeted regulation of high-risk PFAS uses should be provided for.
- **Exception for fluoropolymers**: Fluoropolymers should be completely exempted in order to reduce complexity and administrative burden.
- **Implementation of a review mechanism**: Exemptions must be reviewable, renewable, and reapplicable in order to respond flexibly to technical developments and a lack of alternatives.
- **Ensuring feasibility:** The regulation must be practicable and enforceable – e.g., through fundamental, indefinite exemptions to reduce complexity.
- **Planning security for companies**: Industry needs clarity quickly to avoid investment uncertainties. However, the delay must not be at the expense of a sound assessment.

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Background

On August 20, 2025, the European Chemicals Agency (ECHA) published the updated proposal ("background document") on the restriction of per- and polyfluoroalkyl substances (PFAS). The competent authorities have incorporated more than 5,600 comments from the public consultation into the draft background document. The background document thus represents the current state of information and assessment and provides the further basis for evaluation in the ECHA committees for the preparation of the scientific opinion. However, this does not yet correspond to the final proposal for the definitive PFAS restriction.

As part of the update to the restriction dossier, the dossier compilers have identified eight **additional sectors** that were not previously included in the dossier (sealing applications, machinery applications, other medical applications, military applications, explosives, technical textiles, other industrial applications such as solvents and catalysts).

In addition, **alternative restriction options (RO3)** have been developed that go beyond a complete ban or temporary exemptions. Under certain conditions, these allow for the continued manufacture, placing on the market, or use of PFAS if risks can be controlled. These alternative options were evaluated by the dossier submitter for various areas (including PFAS production, transport, electronics and semiconductors, energy, sealing applications, machine applications, technical textiles). However, no specific exemptions are yet provided for in the updated background document (with the exception of PFAS production, see below).

However, based on the assessment, several additional general exemptions and further specific/temporary exemptions have been newly included (currently 74 exemptions for specific uses). The time limits of 6.5 and 13.5 years provided for the specific exemptions have been retained in principle.

In addition to the fundamental exemptions that were previously only intended for active substances in plant protection products, biocidal products, and human and veterinary medicinal products, **further fundamental exemptions** are now being proposed. These include exemptions for the use of PFAS in spare parts, in starting materials and intermediates in the manufacture of PFAS for specific exemptions, in products containing recycled materials, and in product and process-oriented research and development. In addition, a fundamental/permanent exemption is proposed for the manufacture of PFAS with or without the use of fluorinated polymerization aids in the production of polymeric PFAS under controlled conditions and in compliance with certain emission factors.

Furthermore, at the end of August, ECHA published a report on the status of the procedure and the next steps (ECHA update). In this report, ECHA makes it clear that the Committees for Risk Assessment (RAC) and Socio-economic Analysis (SEAC) will not carry out a specific assessment of the eight sectors additionally identified in the background document. The consultation on the SEAC draft will take place in the first half of 2026.

ECHA has announced that contributions to the SEAC consultation will be submitted via a structured questionnaire with predefined answer fields and that no attachments can be uploaded. From the BDI's point of view, it must be ensured that affected stakeholders can provide all relevant information. A limitation to specified information within the framework of a

A pre-prepared list of questions is not appropriate, and there is a risk that relevant information cannot be included in the restriction procedure.

Assessment of the updated restriction dossier (background document)

We generally welcome the inclusion of new general exemptions for spare parts, raw materials and intermediate products, products containing recycled materials, and the manufacture of PFAS. This means that important factors such as supply chain aspects and the reparability of complex products, which have repeatedly been highlighted by industry in the past, are taken into account in the restriction proposal.

We also welcome the inclusion of additional restriction options for various sectors that go beyond a complete ban or temporary exemptions. However, as the revised background document only provides for specific exemptions for the manufacture of PFAS in compliance with certain emission factors, it is not possible to further evaluate the alternative restriction options/permanent exemptions. Key questions remain unanswered.

In addition, further use-specific exemptions have been included on the basis of the comments submitted during the consultation. The industry is currently examining the extent to which the proposals cover the input provided during the consultation. However, it can be assumed that the number of use-specific exemptions will continue to rise, especially as the identification of PFAS applications is still ongoing and by no means complete. Against this background, it seems likely that the proposed exemptions still do not cover all uses without suitable alternatives.

Even though the inclusion of additional aspects means that some of the information provided by industry is now taken into account in the revised dossier, the update **does not** represent **a** "liberating move.**"** In recent months, the industry has presented evidence-based arguments to the authorities involved, demonstrating that a comprehensive and undifferentiated ban on all PFAS, regardless of their risk assessment, would have **massive negative socioeconomic impacts**.

Unfortunately, the authorities are sticking to their plans regardless, and the **basic regulatory approach of a comprehensive PFAS ban with time-limited, very specific exceptions** remains in place. Since the fundamental problems with the restriction proposal thus remain, the main points of criticism raised so far also remain valid:

- **The restriction dossier (background document) is still not risk-based**
  Even in the revised background document, no adequate risk assessment is carried out as a basis. This does not comply with the requirements of the REACH Regulation, which stipulates that restrictions must always be imposed when there is an "unacceptable risk" (Art. 68 REACH). The mere assumption that all substances within such a large group of substances have the same hazard characteristics is not sufficient to prove an "unacceptable risk" for the entire group. The reference to persistence as the sole and decisive reason for regulation is also insufficient.

  Justifying this approach with the precautionary principle is still not conclusive, as the proposed restriction contradicts the principle of proportionality, which must always be taken into account when applying the precautionary principle. In order to

balanced and proportionate regulation, a scientific risk assessment of all substances – or at least each PFAS subgroup – would have to be carried out instead.

- **The proposed restriction is still not sufficiently differentiated, and there is still no provision for a fundamental exemption for fluoropolymers**
  There is still no adequate differentiation between the different PFAS categories and their properties. As a result, substance groups that do not pose an "unacceptable risk" during the use phase are still included in the revised proposal.

  This applies in particular to the group of fluoropolymers, for which no fundamental exemption is planned even after the update, although there are no risks associated with the use of this group of substances and risks in the manufacturing and end-of-life phases can be adequately controlled and monitored through environmental regulations (e.g., IED). This is also made clear by voluntary industry-led initiatives such as the "FPG Manufacturing Program."1 This initiative by fluoropolymer manufacturers sets measurable targets for emission reduction, promotes the use of state-of-the-art technologies, and at the same time supports transparency and safe handling along the value chain.
  In addition, there are various options for ensuring the end-of-life phase of fluoropolymers is safe. In particular, new developments in recycling processes (in which fluoropolymers can be safely broken down back into monomers) and the proven safe incineration of waste containing fluoropolymers should be taken into account here. However, even after the update, the statements in the background document on the study situation regarding possible PFAS emissions during the thermal treatment of fluoropolymers in waste incineration plants are still not appropriate. The conclusion reached there that complete mineralization of fluoropolymers in municipal waste incineration is unlikely contradicts the latest scientific findings. In order to ensure a scientifically sound assessment, the results of ongoing studies should also be included in the evaluation.

- **The proposed restriction also threatens to lead to additional exceptions for supply chain disruptions.**
  An unlimited exemption for the production of polymeric PFAS in compliance with certain emission requirements, combined with massive restrictions or only temporary exemptions for specific applications, will not reduce the risk of a shortage of these materials or the preservation of domestic production. From a business perspective, it makes little sense to operate plants for materials whose areas of application are increasingly restricted by regulatory requirements. The economic viability of such plants is jeopardized if key sales markets disappear. This can lead to a gradual shift of production abroad and further weaken security of supply in Europe.

- **The restriction dossier (background document) remains highly complex and cannot be implemented due to its sector-specific approach**
  Due to the broad scope of the restriction approach and the large number of relevant applications, the sector-specific approach is not feasible and therefore remains inappropriate.

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[1] https://fluoropolymers.eu/fluoropolymers/#responsible-manufacturing

From the industry's point of view, it is not possible to identify all relevant uses without suitable alternatives, to take these into account in the restriction proposal via exemptions, and thus to ensure necessary further uses. Instead, as industry has repeatedly called for, there should be a reversal of the regulatory approach and, instead of a broad ban with countless exemptions, targeted restrictions on individual, high-risk uses should be provided for.

The chosen approach will require a large number of exceptions, which will make the restriction extremely complex. It is not clear how this is to be monitored and enforced in practice (e.g., also with regard to imports). Although new sectors and the new regulatory option RO3 are fundamentally an important step forward, they add further complexity to the already complex restriction dossier. Against this background, removing fluoropolymers from the dossier would not only make sense for scientific reasons (see above), but would also significantly reduce the unnecessary complexity of the restriction and the number of necessary exceptions. This, in turn, would lead to better enforceability, a higher probability of timely implementation, and support for strategically important sectors.

- **The exemptions provided for in the restriction dossier (background document) are still not appropriate.**
  The inclusion of further specific exemptions is generally positive. However, even the updated background document does not cover all relevant exemptions that are necessary to allow the continued use of substances for which there are no suitable alternatives. Even after the update, the proposed exemptions are based on two rigid and relatively short transition periods (6.5 and 13.5 years, respectively), which do not do justice to the complexity of the proposed restriction. The final regulation should provide for unlimited exemptions where necessary and allow for use-specific transition periods. The starting point for the search for alternative high-performance materials varies considerably between individual industrial sectors. In many applications, such as medical devices, fluoropolymers in particular remain the only materials that meet the high performance and safety requirements. At the same time, there are applications in which other high-performance materials actually represent a viable alternative. This complex status quo must be taken into account in an application-specific regulatory approach through individual solutions. Other legal requirements that entail approval and certification requirements must also be taken into account.

  The dossier correctly acknowledges that in many areas it is not yet clear whether transition periods of 13.5 years will be sufficient to find suitable alternatives. In order to remain capable of acting even if alternatives cannot be identified and to avoid unintended socio-economic consequences, it is imperative that the final regulation includes a review mechanism for reviewing and, if necessary, extending exemptions (in good time before they expire).

- **The exemptions for spare parts provided for in the restriction dossier do not go far enough** A general exemption for the use of PFAS in spare parts is very welcome. However, the proposed limitation to a maximum of 20 years after the product or complex object in which the PFAS-containing spare part is used is placed on the market is not effective. Due to the service life of industrial plants and capital goods,

which is often longer than 20 years (e.g., machines, aircraft, infrastructure elements), this time limit on the exemption falls short in terms of the circular economy. Terms not defined in REACH in the wording of the exemptions ("spare parts used in articles or complex objects for which legal obligations related to the use of specific spare parts," "articles already in end use," etc.) offer little legal certainty and make it difficult to enforce the requirements.

- **The documentation and labeling requirements provided for in the background document lead to additional bureaucratic effort.**
  The updated dossier provides for new bureaucratic requirements, such as documentation and labeling obligations and third-party certification. Paragraph 7 stipulates documentation requirements that companies must fulfill annually when claiming exemptions (with a period of 13.5 years). This will place a considerable bureaucratic burden on companies. Against the backdrop of the EU Commission's efforts to reduce bureaucracy and the current economic situation, the regulations on reporting requirements must be designed with a great deal of discretion. Furthermore, the disclosure of information on quantities used and exemptions claimed, particularly in safety-related areas, must be viewed critically, as this requires the disclosure of sensitive company information.

  It is also worth highlighting the planned labeling requirement for products covered by the WEEE Directive (Waste Electrical and Electronic Equipment Directive). Suppliers of complex products or plastic components for these products must ensure that they are visibly, legibly, and permanently labeled with the statement "Contains intentionally added PFAS" before placing them on the market. Since a large number of products fall within the scope of the WEEE, the labeling requirement would cause a considerable amount of bureaucracy – without any discernible added value for the circular economy.

- **Following the update of the restriction dossier, there is uncertainty about how to proceed**
  The ECHA has announced that the eight newly identified sectors will no longer be specifically discussed and evaluated by the ECHA committees, but that the comprehensive restriction with time-limited sector-specific exemptions will continue to apply.

  The ECHA's announcement raises many questions and there is uncertainty as to what this means for the sectors concerned. This is leading to considerable uncertainty and further planning uncertainty. As the newly identified sectors are very broad and cover basic industrial production uses, this affects a large number of companies. For example, printing, gasket and machinery applications are relevant to almost all industries. The announced approach of no longer evaluating the eight newly identified sectors in detail (despite the sector-specific approach) is not appropriate from the industry's point of view and makes it clear that the path taken is too complex and unworkable.

  While it is understandable and important to complete the process quickly in the interests of regulatory predictability and planning and investment security for industry, this must not be at the expense of a detailed, scientifically sound assessment of all the facts presented in the consultation. A comprehensive PFAS restriction without a complete scientific assessment of all sectors carries the risk of overlooking currently irreplaceable uses of PFAS. In addition, a comprehensive

The PFAS ban, with its large and constantly growing number of exemptions, makes implementation difficult for industry and authorities. We therefore call for a reversal of the restriction approach and for restrictions to be imposed only on those PFAS applications that have undergone a thorough evidence-based assessment by the ECHA committees and have been found to pose an unacceptable risk (see above).

Demands and solutions

Even though individual aspects of the restriction dossier have been supplemented and revised, the proposal currently under discussion still represents a comprehensive ban on PFAS, from which only individual uses would be generally exempted and various specific uses would be exempted for a limited period of time. For the reasons mentioned above, this approach does not do justice to risk-based regulation based on scientific evidence. A restriction in the proposed form would have a massive negative impact not only on individual sectors, but on the entire industry as well as on the innovative capacity and competitiveness of European companies.

In order to limit the negative effects on the business location and sovereignty of the European economy, the following points in particular should be urgently taken into account in the further procedure, against the background of the above assessments and the current economic situation:

- **Make the proposed restriction risk-based and targeted**
  This requires a differentiated **assessment (and regulation) of the various substances, or at least of PFAS subcategories,** according to their respective properties.
  To this end, the regulatory approach should be reversed and, instead of a broad ban with countless exceptions, targeted restrictions on individual, high-risk uses should be provided for (as actually envisaged in REACH).

- **Completely exclude fluoropolymers from the scope of the restriction** This would significantly reduce complexity (number of specific exceptions and associated administrative burden as well as annual reporting requirements) and appropriately limit the negative economic consequences. The voluntary commitment by fluoropolymer manufacturers should be recognized as a sufficient risk management measure (subject to regular review of its effectiveness).

- **Provide for a review mechanism for reviewing, reapplying for, and extending exemptions**
  Given the technical importance of PFAS, this is the only way to ensure that necessary technical developments or the lack of suitable alternatives can be responded to appropriately despite a comprehensive search for alternatives, and that PFAS uses may be possible for longer than originally or to a greater extent than originally planned.

[2] FPG Manufacturing Program for European Manufacturing Sites (Link)
[3] FPG Manufacturing Factsheet (link)
[4] FPG Manufacturing Program Update 2025 (link)

- **Formulate restrictions in a way that is feasible and verifiable or enforceable** To ensure this, the **complexity of the regulatory approach** should be **significantly reduced** (e.g., through further fundamental, indefinite exemptions).

- **Quickly create planning security, clarity, and transparency for industry** The uncertainties associated with the restriction procedure for the business location remain high, and it is becoming clear that investments are already not being made or are being relocated outside Europe. Further delays in the process must therefore be avoided. However, this must not be at the expense of a rigorous, scientifically sound assessment – especially if a fundamental/broad PFAS restriction with numerous sector-specific exemptions continues to be maintained.

Imprint

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