



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:

‘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; 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; 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. The following substances are excluded from this designation • $C_nF_{2n+1}-X$, 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.	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: (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: (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 : (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 : - 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 particulates 5. 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:
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	(a) semiconductors on their own; (b) semiconductors incorporated in semi-finished and finished electronic equipment. 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. 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). [Placeholder: 2 additional derogations cf recital (11)] 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.’