



3 August 2020

(20-5375)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: European Commission Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: European Commission EU-TBT Enquiry Point Fax: +(32) 2 299 80 43 E-mail: grow-eu-tbt@ec.europa.eu Website: http://ec.europa.eu/growth/tools-databases/tbt/en/
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Perfluorocarboxylic acids containing 9 to 14 carbon atoms in the chain (C9-C14 PFCAs), their salts and related substances. (The term "C9-C14 PFCAs" is used as an abbreviation for: PFNA - Perfluorononan-1-oic acid (C9-PFCA) CAS 375-95-1 EC 206-801-3 PFDA - Nonadecafluorodecanoic acid (C10-PFCA) CAS 335-76-2 EC 206-400-3 PFUnDA - Henicosafuoroundecanoic acid (C11-PFCA) CAS 2058-94-8 EC 218-165-4 PFDoDA - Tricosafuorododecanoic acid (C12-PFCA) CAS 307-55-1 EC 206-203-2 PFTTrDA - Pentacosafuorotridecanoic acid (C13-PFCA) CAS 72629-94-8 EC 276-745-2 PFTDA - Heptacosafuorotetradecanoic acid (C14-PFCA) CAS 376-06-7 EC 206-803-4 C9-C14 PFCA related substances can be transformed in the environment to C9-C14 PFCAs.
5. Title, number of pages and language(s) of the notified document: Draft Commission Regulation 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 (5 page(s), in English; 4 page(s), in English)

6.	<p>Description of content: This draft Regulation would amend Annex XVII to Regulation (EC) No 1907/2006 as follows:</p> <p>A restriction is proposed on the manufacturing of C9-C14 PFCAs, their salts and related substances within the EU. Furthermore, the proposal restricts the use, placing on the market and import of C9-C14 PFCAs, their salts and related substances as substances on their own, in a mixture or in an article in a concentration equal to or above 25 ppb for the sum of C9-C14 PFCAs and their salts or 260 ppb for the sum of C9-C14 PFCA related substances.</p>
7.	<p>Objective and rationale, including the nature of urgent problems where applicable: This restriction is intended to prevent a switch by industry using PFOA-based substances ("C8 chemistry") to longer chain PFCAs ("C9-C14 chemistry") to fulfil the same role in the end products ("regrettable substitution"). C9-C14 PFCAs are PBT/vPvB substances, thus their emissions have to be minimised. Perfluorooctanoic acid (PFOA) is restricted under REACH, Commission Regulation (EU) 2017/1000 of 13 June 2017, from 4 July 2020; Other</p>
8.	<p>Relevant documents:</p> <p>Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH Regulation):</p> <p>http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1423064258789&uri=CELEX:32006R1907</p> <p>https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e18195edb3</p>
9.	<p>Proposed date of adoption: First quarter of 2021</p> <p>Proposed date of entry into force: 20 days from publication in the Official Journal of the EU. Application of the restriction would be deferred for 18 months after entry into force.</p>
10.	<p>Final date for comments: 60 days from notification</p>
11.	<p>Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>European Commission EU-TBT Enquiry Point Fax: + (32) 2 299 80 43 E-mail: grow-eu-tbt@ec.europa.eu</p> <p>The text is available on the EU-TBT Website: http://ec.europa.eu/growth/tools-databases/tbt/en/</p> <p>https://members.wto.org/crnattachments/2020/TBT/EEC/20_4682_00_e.pdf</p> <p>https://members.wto.org/crnattachments/2020/TBT/EEC/20_4682_01_e.pdf</p>