

Restrictions on the marketing and use of perfluorooctane sulfonates

2005/0244(COD) - 12/12/2006 - Final act

PURPOSE: to place restrictions on the marketing and use of perfluorooctane sulfonates and to amend Council Directive 76/769/EEC accordingly.

LEGISLATIVE ACT: Directive 2006/122/EC of the European Parliament and of the Council amending for the 30th time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (perfluorooctane sulfonates).

BACKGROUND: an OECD assessment of perfluorooctane sulfonates (PFOs) concluded that they are persistent, bio accumulative and toxic to mammalian species. The EU's Scientific Committee on Health and Environmental Risks (SCHER) formed similar conclusions to that of the OECD and noted that PFOs could be considered persistent organic pollutants (POPs). As a result the SCHER noted that:

- measures might be needed to avoid the re-occurrence of former PFO uses;
- on-going critical uses in the aviation industry, the semiconductor industry and the photographic industry did not appear to pose a relevant risk – on condition that exposures be minimised;
- that alternatives to PFOs in fire-fighting foam should be assessed, from an environmental point of view, before a final decision can be taken;
- the use of PFOs in the plating industry should be restricted.

CONTENT: based on the above analysis this Directive restricts the placing on the market, and the use of, PFOs in the EU. It covers all major “exposure” risks. Thus, PFOs may not be placed on the market or used as a substance or constituent of preparations in concentrations equal to or higher than 0,005% of the mass. The use of PFOs that are deemed to carry a “minor” risk are, currently, exempted from the Directive (for example, photographic coatings applied to films, papers or printing plates). The derogations are, however, subject to regular reviews.

In other areas the Directive:

- gives special attention to the plating processes that rely on PFOs and the releases from those process through the application of best available techniques (BATs);
- restricts the use of semi-finished products and articles containing PFOs in order to protect the environment. The restrictions will cover all products and articles to which PFOs are intentionally added;
- will apply only to new products and not to products already in use or on the second hand market. However, existing stocks of fire-fighting foams containing PFOs will need to be identified and their use only allowed for a limited period;
- requires the Commission to review each derogation once new information on safer alternatives becomes available;

- requires that perflorooctanic acid (PFOA), which has similar qualities to PFOs, to be kept under review.

ENTRY INTO FORCE: 27 December 2006.

TRANSPOSITION: 27 December 2007.

APPLICATION: 27 June 2008.