

(English version)

**Question for written answer E-001152/25
to the Commission
Per Clausen (The Left)
(19 March 2025)**

Subject: EU harmonisation and scope for national bans on PFAS

During structured dialogue in the Parliament on 18 March, Commissioner Stéphane Séjourné spoke about the need for harmonisation and regulatory simplification in the EU.

One of the questions raised, which, however, the Commissioner did not answer during the dialogue, concerned how the harmonisation strategy can affect the scope for countries to be groundbreakers in the EU.

Therefore:

How will the campaign to bring about harmonisation affect the scope for individual countries to take the lead and, for instance, introduce more far-reaching bans on PFAS than the EU currently has in place? How, specifically, will it be ensured that increased use of harmonisation will not mean that EU countries have to relax the rules and bans they already have in place on hazardous chemicals? What is the Commission specifically doing to learn from countries that provide more extensive protection against hazardous chemicals than there is at EU level?

Submitted: 19.3.2025

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(20 May 2025)**

The purpose of the regulation on the registration, evaluation, authorisation and restriction of chemicals (REACH) ⁽¹⁾ is to ensure high level of protection of human health and the environment, as well as the free movement of substances, competitiveness and innovation. The efficient functioning of the internal market for substances can be achieved only if applicable requirements do not differ significantly between Member States. However, as confirmed by the European Free Trade Association Court in case E-9/16 ⁽²⁾, in cases where the manufacture, placing on the market or use of a substance is not yet harmonised (i.e. no restriction) Member States may maintain or adopt national rules ⁽³⁾ provided the REACH restriction process is also initiated.

To address the concerns raised by per- and polyfluoroalkyl substances (PFAS) contamination, some Member States have initiated national measures to restrict some uses of PFAS. While the Commission shares these concerns, it considers that such measures are more efficient if taken at EU level by the established restriction procedure supported by a solid assessment by the scientific committees of the European Chemicals Agency. This process would avoid disruption of the internal market and guarantee all EU citizens an equally high level of protection.

A broad PFAS restriction dossier has been prepared by five national authorities. The European Chemicals Agency's committees must finalise their opinions on this dossier before the Commission can prepare its proposal to restrict PFAS in the EU. As also confirmed in the above-mentioned Court case, after adoption of an EU restriction, Member States need to align with the harmonised legislation.

The Commission is carefully following all measures at national level to assess their relevance for future policy development.

⁽¹⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, OJ L 396, 30.12.2006.

⁽²⁾ <https://eftacourt.int/download/9-16-judgment/?wpdmdl=1804>; <https://eftacourt.int/download/9-16-judgment/?wpdmdl=1804>.

⁽³⁾ Cf REACH Article 128(2).