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#### COVER NOTE

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 6 May 2025

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.: [...] (2025) XXX draft - D 102503/3 ANNEX

Subject: ANNEX to the Commission Regulation (EU) .../... amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards per- and polyfluoroalkyl substances in firefighting foams

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Delegations will find attached document [...] (2025) XXX draft - D 102503/3 ANNEX.

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Encl.: [...] (2025) XXX draft - D 102503/3 ANNEX



Brussels, **XXX**  
D102503/03  
[...] (2025) **XXX** draft

ANNEX

**ANNEX**

**to the**

**COMMISSION REGULATION (EU) .../...**

**amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards per- and polyfluoroalkyl substances in firefighting foams**

## ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, the following entry is added:

<p>‘... [<i>OP please insert the next consecutive number</i>].</p> <p>Per- and polyfluoroalkyl substances (PFAS) defined as: any substance that contains at least one fully fluorinated methyl (CF<sub>3</sub>) or methylene (CF<sub>2</sub>) carbon atom (without any H/Cl/Br/I attached to it).</p>	<ol style="list-style-type: none"><li>1. Shall not be placed on the market or used as of ... [<i>OP: please insert the date 5 years from the date of entry into force of this Regulation</i>] in firefighting foams in a concentration equal to or greater than 1 mg/L for the sum of all PFAS.</li><li>2. Paragraph 1 shall not apply to:<ol style="list-style-type: none"><li>(a) perfluorooctane sulfonic acid (PFOS), its salts and PFOS-related compounds C<sub>8</sub>F<sub>17</sub>SO<sub>3</sub>X, to perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds and to perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds, covered by Annex I to Regulation (EU) 2019/1021;</li><li>(b) linear and branched perfluorocarboxylic acids of the formula C<sub>n</sub>F<sub>2n+1</sub>-C(=O)OH where n = 8, 9, 10, 11, 12, or 13 (C9-C14 PFCAs) including their salts, and any combinations thereof, restricted under entry 68;</li><li>(c) undecafluorohexanoic acid (PFHxA), its salts and PFHxA-related substances, for uses restricted under entry 79.</li></ol></li><li>3. When determining the concentration of the sum of all PFAS, the substances to which the derogation in paragraph 2 applies shall be included in the determination.</li><li>4. By way of derogation from paragraph 1, the concentration of PFAS in fluorine-free firefighting foams originating from the equipment which has undergone cleaning in accordance with best available techniques, excluding portable fire extinguishers, shall not exceed 50 mg/L for the sum of all PFAS.  The Commission shall review this derogation no later than ... [<i>OP: please insert the date 5 years from the date of entry into force of this Regulation</i>].</li><li>5. By way of derogation from paragraph 1, PFAS may be placed on the market in a concentration equal to or greater than 1 mg/L for the sum of all</li></ol>
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PFAS:

(a) until ... ***[OP: please insert the date 12 months from the date of entry into force of this Regulation]*** in firefighting foams in portable fire extinguishers;

(b) until ... ***[OP: please insert the date 18 months from the date of entry into force of this Regulation]*** in alcohol-resistant firefighting foams in portable fire extinguishers;

(c) until ... ***[OP: please insert the date 10 years from the date of entry into force of this Regulation]*** in firefighting foams for:  
(i) establishments covered by Directive 2012/18/EU. Civilian aviation (including in civilian airports) shall not be covered by this derogation;  
(ii) installations belonging to the offshore oil and gas industry;  
(iii) military vessels;  
(iv) civilian ships with firefighting foams placed on board before ... ***[OP: please insert the date of entry into force of this Regulation]***.

6. By way of derogation from paragraph 1, PFAS may be used in firefighting foams in a concentration equal to or greater than 1 mg/L for the sum of all PFAS:

(a) until ... ***[OP: please insert the date = 18 months from the date of entry into force of this Regulation]*** for:

- (i) training and testing, except functional testing of the firefighting systems provided that all releases are contained;
- (ii) public fire services and private fire services exercising the function of public fire services, except where those services intervene at industrial fires at establishments covered by Directive 2012/18/EU and the use of the foams and the equipment for that purpose only.

(b) until 31 December 2030 in portable fire extinguishers;

(c) until ... ***[OP: please insert the date = 10 years from the date of entry into force of this Regulation]*** for the cases referred to in

paragraph 5, point (c).

The Commission shall review the derogations under point (c) before the end of the period of validity of that derogation.

7. As of ... **[OP: please insert the date [12] months from the date of entry into force of this Regulation]** the use of PFAS in firefighting foams in a concentration equal to or greater than 1 mg/L for the sum of all PFAS pursuant to paragraph 1 and paragraph 6, point (c), shall be subject to the conditions of this paragraph. The user shall:
- (a) ensure that firefighting foams are only used for fires involving flammable liquids (class B fires);
  - (b) reduce emissions to the environmental compartments and direct and indirect human exposure to firefighting foams to as low a level as is technically and practically possible;
  - (c) ensure the separate collection of stock of not-utilised firefighting foams and PFAS-containing waste, including wastewater, originating from the use of firefighting foams, where technically and practically possible, and ensure their handling for adequate treatment in such a way that the PFAS content is destroyed or irreversibly transformed;
  - (d) establish a 'PFAS-containing firefighting foams management plan' specific for the place of use of the firefighting foams containing PFAS which shall include:
    - (i) details of the use conditions and volumes of firefighting foams on site, documenting how the conditions set in point (b) are met;
    - (ii) information on the collection and adequate treatment pursuant to point (c);
    - (iii) details on the type and methods of cleaning and maintenance of equipment;
    - (iv) plans to be implemented in the event of accidental leakage/spillage of firefighting foam including where relevant, the documentation of the follow-up actions;

- (v) a strategy for substituting firefighting foams containing PFAS with fluorine-free firefighting foams.

The management plan shall be reviewed annually and be kept available for at least 15 years for inspection, on request, by competent authorities.

8. As of ... **[OP: please insert the date - 12 months from the date of entry into force of this Regulation]**, firefighting foams in which the concentration is equal to or greater than 1 mg/L of the sum of all PFAS, that are placed on the market, excluding portable fire extinguishers, shall be labelled in accordance with paragraph 10. Unless the Member State(s) concerned provide(s) otherwise, the label shall be written in the official language(s) of the Member State(s) where the firefighting foam is placed on the market.
9. As of ... **[OP: please insert the date – 12 months from the date of entry into force of this Regulation]**, users of PFAS-containing firefighting foam shall ensure that stock of not-utilised firefighting foams and PFAS-containing waste, including wastewater, originating from the use of firefighting foams, is labelled in accordance with paragraph 10 where the concentration of the sum of all PFAS is equal to or greater than 1 mg/L. Unless the Member State(s) concerned provide(s) otherwise, the label shall be written in the official language(s) of the Member State(s) where the stock of not-utilised firefighting foams and PFAS-containing waste, including wastewater, originating from the use of firefighting foam is generated and will be treated.
10. For the purpose of paragraphs 8 and 9, the labelling shall include the following wording: ‘*WARNING: Contains per- and polyfluoroalkyl substances (PFAS) with a concentration equal to or greater than 1 mg/L for the sum of all PFAS*’. This information shall be visibly, legibly and indelibly marked.
11. For the purpose of this entry, the following definitions shall apply:
  - (a) ‘portable fire extinguisher’ means a fire extinguisher designed to be carried and operated by hand which in working order has a mass of not more than 20 kg, in accordance with the

	<p>standard EN3-7; a mobile extinguisher of not more than 150 litres, in accordance with the standard EN-1866; and a spray can extinguisher in accordance with the standard EN-16856;</p> <p>(b) 'firefighting foam' means any mixture to fight fires with foam and includes but is not limited to firefighting foam concentrates and firefighting foam solutions to produce the foam;</p> <p>(c) 'stock of not-utilised firefighting foam' means firefighting foam which has not yet been used to fight fires.'</p>
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