



Brussels, XXX  
[...] (2023) 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 undecafluorohexanoic acid (PFH<sub>x</sub>A), its salts and PFH<sub>x</sub>A-  
related substances**

## 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>Undecafluorohexanoic acid (PFHxA), its salts and PFHxA-related substances:</p> <ul style="list-style-type: none"><li>(a) having a linear or branched perfluoropentyl group with the formula C<sub>5</sub>F<sub>11</sub>- directly attached to another carbon atom as one of the structural elements; or</li><li>(b) having a linear or branched perfluorohexyl group with the formula C<sub>6</sub>F<sub>13</sub>-.</li></ul> <p>The following substances are excluded from this designation:</p> <ul style="list-style-type: none"><li>(a) C<sub>6</sub>F<sub>14</sub>;</li><li>(b) C<sub>6</sub>F<sub>13</sub>-C(=O)OH, C<sub>6</sub>F<sub>13</sub>-C(=O)O-X' or C<sub>6</sub>F<sub>13</sub>-CF<sub>2</sub>-X' (where X' = any group, including salts);</li><li>(c) any substance having a perfluoroalkyl group C<sub>6</sub>F<sub>13</sub> - directly attached to an oxygen atom at one of the non-terminal carbons.</li></ul>	<p>1. Shall not, from [<i>PO: please insert the date = 24 months from the date of entry into force of this Regulation</i>] be placed on the market, or used, in a concentration equal to or greater than 25 ppb for the sum of PFHxA and its salts, or 1000 ppb for the sum of PFHxA-related substances, measured in homogeneous material, in the following:</p> <ul style="list-style-type: none"><li>- textiles, leather, furs and hides in clothing and related accessories for <u>use by</u> the general public;</li><li>- footwear for <u>use by</u> the general public;</li><li>- paper and cardboard used as food contact materials within the scope of Regulation (EC) No 1935/2004;</li><li>- mixtures for <u>use by</u> the general public;</li><li>- cosmetic products as defined in Article 2(1), point (a), of Regulation (EC) No 1223/2009.</li></ul> <p>2. Shall not, from [<i>PO: please insert the date = 36 months from the date of entry into force of this Regulation</i>] be placed on the market, or used, in a concentration equal to or greater than 25 ppb for the sum of PFHxA and its salts, or 1000 ppb for the sum of PFHxA-related substances, measured in homogeneous material, in textiles, leather, furs and hides other than in clothing and related accessories referred to in paragraph 1, for <u>use by</u> the general public.</p> <p><u>Paragraph 2 shall not apply to textiles used as building materials or construction textiles.</u></p> <p>3. Shall not, from [<i>PO: please insert the date = 18 months from the date of entry into force of this Regulation</i>] be placed on the market, or used, in a concentration equal to or greater than 25 ppb for the sum of PFHxA and its salts, or 1000 ppb for the sum of PFHxA-related substances, in:</p> <ul style="list-style-type: none"><li>- fire-fighting foams for training and for testing (except <del>functional</del>-testing of the firefighting systems <u>for their functioning</u>);</li><li>- fire-fighting foams for <del>municipal-public</del> fire services <u>[(except for use in industrial settings)]</u>.</li></ul>
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4. Shall not, from **[PO: please insert the date = 5 years from the date of entry into force of this Regulation]** be placed on the market, or used, in fire-fighting foams for civil aviation (including in civilian airports) in a concentration equal to or greater than 25 ppb for the sum of PFHxA and its salts, or 1000 ppb for the sum of PFHxA-related substances.

5. Paragraphs 1, 2, 3 and 4 shall not apply to substances having a perfluoroalkyl group C<sub>6</sub>F<sub>13</sub>- directly attached to a sulphur atom.

6. By way of derogation from paragraph 1, that paragraph shall not apply to articles placed on the market before **[PO: please insert the date = 24 months from the date of entry into force of this Regulation]**.

7. By way of derogation from paragraph 2, that paragraph shall not apply to articles placed on the market before **[PO: please insert the date = 36 months from the date of entry into force of this Regulation]**.

8. For the purposes of this entry, PFHxA-related substances are substances that, based on their molecular structure, are considered to have the potential to degrade or be transformed to PFHxA.