



EUROPEAN
COMMISSION

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_xA), its salts and PFH_xA-
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 (PFH_xA), its salts and PFH_xA-related substances:</p> <ul style="list-style-type: none">(a) having a linear or branched perfluoropentyl group with the formula C₅F₁₁- directly attached to another carbon atom as one of the structural elements; or(b) having a linear or branched perfluorohexyl group with the formula C₆F₁₃-. <p>The following substances are excluded from this designation:</p> <ul style="list-style-type: none">(a) C₆F₁₄;(b) C₆F₁₃-C(=O)OH, C₆F₁₃-C(=O)O-X' or C₆F₁₃-CF₂-X' (where X' = any group, including salts);(c) any substance having a perfluoroalkyl group C₆F₁₃ - directly attached to an oxygen atom at one of the non-terminal carbons.	<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 PFH_xA and its salts, or 1000 ppb for the sum of PFH_xA-related substances, measured in homogeneous material, in the following:</p> <ul style="list-style-type: none">- textiles, leather, furs and hides in clothing and related accessories for the general public;- footwear for the general public;- paper and cardboard used as food contact materials within the scope of Regulation (EC) No 1935/2004;- mixtures for the general public;- cosmetic products as defined in Article 2(1), point (a), of Regulation (EC) No 1223/2009. <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 PFH_xA and its salts, or 1000 ppb for the sum of PFH_xA-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 the general public.</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 PFH_xA and its salts, or 1000 ppb for the sum of PFH_xA-related substances, in:</p> <ul style="list-style-type: none">- fire-fighting foams for training and for testing (except functional testing of the firefighting systems);- fire-fighting foams for municipal fire services. <p>4. Shall not, from [<i>PO: please insert the date = 5 years from the date of entry into force of this Regulation</i>] be placed on the market, or used, in fire-fighting foams for civil aviation in a concentration equal to or greater than 25 ppb for the</p>
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	<p>sum of PFHxA and its salts, or 1000 ppb for the sum of PFHxA-related substances.</p> <p>5. Paragraphs 1, 2, 3 and 4 shall not apply to substances having a perfluoroalkyl group C₆F₁₃- directly attached to a sulphur atom.</p> <p>6. By way of derogation from paragraph 1, that paragraph shall not apply to articles placed on the market before <i>[PO: please insert the date = 24 months from the date of entry into force of this Regulation]</i>.</p> <p>7. By way of derogation from paragraph 2, that paragraph shall not apply to articles placed on the market before <i>[PO: please insert the date = 36 months from the date of entry into force of this Regulation]</i>.</p> <p>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.</p>
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