



## EU Updates PFOA Exemption Clauses in POPs Regulations

On April 28, 2023, the European Union issued the revised regulation (EU) 2023/866 of the POPs regulation. The revised regulation will take effect on the 20th day after publication and will apply to all member states on August 18, 2023. The revised regulations mainly update the 3rd, 4th, and 5th exemptions of PFOA. The updated content is as follows:

Current exemption	Exemption from (EU)2023/866
<p>3. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOA-related compounds equal to or below 20 mg/kg (0,002 % by weight) where they are present in a substance to be used as a transported isolated intermediate within the meaning of Article 3 point 15(c) of Regulation (EC) No 1907/2006 and fulfilling the strictly controlled conditions set out in Article 18(4)(a) to (f) of that Regulation for the production of fluorochemicals with a perfluoro carbon chain equal to or shorter than 6 atoms. This exemption shall be reviewed and assessed by the Commission no later than 5.7.2022.</p>	<p>3. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOA-related compounds equal to or below 20 mg/kg (0,002 % by weight) where they are present in a substance to be used as a transported isolated intermediate within the meaning of Article 3 point 15(c) of Regulation (EC) No 1907/2006 and fulfilling the strictly controlled conditions set out in Article 18(4)(a) to (f) of that Regulation for the production of fluorochemicals with a perfluoro carbon chain equal to or shorter than 6 atoms. <b>This exemption shall be reviewed and assessed by the Commission no later than 25 August 2023.</b></p>
<p>4. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOA and its salts equal to or below 1 mg/kg (0,0001 % by weight) where they are present in polytetrafluoroethylene (PTFE) micropowders produced by ionising irradiation or by thermal degradation as well as in mixtures and articles for industrial and professional uses containing PTFE micropowders. All emissions of PFOA during the manufacture and use of PTFE micropowders shall be avoided and, if not possible, reduced as far as possible. This exemption shall be reviewed and assessed by the Commission no later than 5.7.2022.</p>	<p>4. For the purposes of this entry, Article 4(1), point (b), shall apply to concentrations of PFOA and its salts equal to or below 1 mg/kg (0,0001 % by weight) where they are present in polytetrafluoroethylene (PTFE) micropowders produced by ionising irradiation or by thermal degradation as well as in mixtures and articles for industrial and professional uses containing PTFE micropowders until 18 August 2023. All emissions of PFOA during the manufacture and use of PTFE micropowders shall be avoided and, if not possible, reduced as far as possible. <b>The limit of 1 mg/kg (0,0001 % by weight) shall apply only to manufacture, placing on the market and use of PFOA and its salts where they are present in PTFE</b></p>
<p>5. By way of derogation, the manufacturing, placing on the market and use of PFOA, its salts and</p>	



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PFOA-related compounds shall be allowed for the following purposes:

- (a) photolithography or etch processes in semiconductor manufacturing, until 4 July 2025;
- (b) photographic coatings applied to films, until 4 July 2025;
- (c) textiles for oil- and water-repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety, until 4 July 2023;
- (d) invasive and implantable medical devices, until 4 July 2025;
- (e) manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of:
  - (i) high-performance, corrosion-resistant gas filter membranes, water filter membranes and membranes for medical textiles;
  - (ii) industrial waste heat exchanger equipment,
  - (iii) industrial sealants capable of preventing leakage of volatile organic compounds and PM2.5 particulates;
 until 4 July 2023.

micropowders that are transported or treated for the purpose to reduce the concentration of PFOA and its salts below the limit of 0,025 mg/kg (0,0000025 % by weight).

5. By way of derogation, the manufacturing, placing on the market and use of PFOA, its salts and PFOA-related compounds shall be allowed for the following purposes:

- (a) photolithography or etch processes in semiconductor manufacturing, until 4 July 2025;
- (b) photographic coatings applied to films, until 4 July 2025;
- (c) textiles for oil- and water-repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety, until 4 July 2023;
- (d) invasive and implantable medical devices, until 4 July 2025;
- (e) Delete this point.

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