Message 103

Communication from the Commission - TRIS/(2025) 3172

Directive (EU) 2015/1535

Notification: 2025/0431/FR

Forwarding of the observations of a Member State (Poland) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

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1. MSG 103 IND 2025 0431 FR EN 10-11-2025 07-11-2025 PL COMMS 5.2 10-11-2025

2. Poland

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4. 2025/0431/FR - C00C - CHEMICALS

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. French decree No. 2025-188 of 27 February 2025 on the prevention of risks for the population arising from exposure to per- and polyfluoroalkyl substances (PFAS) provides for a ban on the use of PFAS above a residual concentration value for cosmetics, ski wax, and textiles. The decree is expected to enter into force on 1 January 2026.
In the justification, the French government indicated that PFAS are very persistent and many of these substances have hazardous properties. Most are easily transported with water and can be found in groundwater, surface waters, fauna and flora. Several studies have shown
their presence in the blood of a significant part of the French population. Some PFAS are considered carcinogenic, harmful to child development, and – even in low concentrations – capable of having an impact on organs such as the liver and on the immune system. The data are insufficient to quantitatively assess the impact of most PFAS on human health and the environment, while the highly persistent nature of PFAS makes long-term effects of their accumulation in the environment unpredictable.
We recognise the objective behind France's introduction of national regulations, but the implementation of such restrictions in France before the scientific assessment by the European Chemicals Agency's committees and before the entry into force of an EU-wide measure under the REACH regulation may be premature. The proposed decree may affect the above-mentioned industries not only in the case of intentionally added substances, but also in cases where PFAS substances are present in trace amounts, e.g., as contamination of raw materials or the production process. The notified decree does not provide for transitional periods and therefore prevents entrepreneurs from preparing for the planned restrictions. Given that the restriction drawn up by the French authorities mainly protects the health of French citizens and the local environment, it does not have a significant impact on the protection of human health and the environment in the Polish territory, but it may be a barrier for Polish entrepreneurs.

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