

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION  
LEGISLATION/DOCUMENTS WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL  
AGREEMENT AND THE WINDSOR FRAMEWORK**

**C(2025)6544**

**COMMISSION REGULATION (EU) 2025/1988 OF 2 OCTOBER 2025 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**

Submitted by the Department for Environment, Food and Rural Affairs on 15 June  
2026

**SUBJECT MATTER**

1. The European Commission is implementing an amendment to Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council, concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) within the European Union (EU), restricting the placing on the market or use of per- and polyfluoroalkyl substances in firefighting foams.
2. EU REACH is listed in Annex 2 of the Windsor Framework and therefore this amendment will apply in Northern Ireland (NI).

**Background to REACH Restrictions**

3. REACH Restrictions are applied to the manufacture, placing on the market, or use of certain substances if they pose an unacceptable risk to human health or the environment. New Restrictions, or amendments to existing ones, are made by legislation. Currently, Great Britain (GB) applies a broadly similar Restrictions regime to making restrictions, amended to work domestically, under assimilated Regulation (EC) No 1907/2006 of the European Parliament and of the Council, concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (assimilated REACH).

**Background on PFAS in Firefighting Foams**

4. Per- and polyfluoroalkyl substances (PFAS) are a large family of thousands of synthetic chemicals widely used across the European Union and the UK, including in firefighting foams. PFAS are considered persistent and some exhibit a range of

additional hazardous properties. Most PFAS are mobile in water, which leads to contamination of groundwater, surface water, and plants and animals.

5. For many PFAS, insufficient data are available to quantitatively assess their impacts on human health and the environment. However, there is evidence that some PFAS may be carcinogenic, may cause harm to developing children, and may lead to adverse effects on organs.
6. Certain PFAS, such as perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), undecafluorohexanoic acid (PFHxA) and perfluorocarboxylic acids with a chain length of 9 to 14 carbon atoms (C9-C14 PFCAs) are already subject to regulations in the EU. However, there are concerns that industry could replace restricted PFAS in firefighting foams with other, currently unrestricted PFAS with similar persistence and hazard properties, a practice often referred to as “regrettable substitution”. The EU restriction therefore takes a precautionary group-based approach, covering all PFAS (as defined by the OECD, 2021) to prevent substitution with similarly persistent chemicals.

### **Proposed Regulation of PFAS in Firefighting foams in the EU**

7. The amendment introduces a restriction on placing on the market and use of firefighting foams containing  $\geq 1$  mg/L for the sum of all PFAS, with a general prohibition applying from October 2030. This group-based restriction on PFAS in firefighting foams complements existing EU controls on specific PFAS (e.g. PFOS, PFOA, PFHxS under POPs legislation) but covers all PFAS to prevent regrettable substitution and to reduce overall PFAS emissions.
8. Phased transition periods apply depending on industry sector and use, including earlier bans for portable fire extinguishers (from 2026–2027) and longer transition periods (up to 2035) for sectors such as major industrial sites and maritime applications.
9. Interim requirements (from 2026) include labelling of PFAS-containing foams, restrictions on use (e.g. primarily for Class B fires), and obligations to minimise emissions, collect and dispose of waste, and implement site-specific management plans.
10. Derogations are provided for certain uses and time-limited continued use of existing stocks, subject to strict conditions and review clauses, including specific provisions for training, public fire services, and high-risk industrial settings.

### **SCRUTINY HISTORY**

11. The Parliament Scrutiny history relevant to this Explanatory Memorandum (EM) is contained in Annex A.

## **MINISTERIAL RESPONSIBILITY**

12. The Secretary of State for Environment, Food and Rural Affairs has responsibility for this policy area, alongside Welsh and Scottish Ministers whose consent is required for the introduction of equivalent measures in GB.

## **INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)**

13. This proposal relates to a regulation, namely REACH, that is subject to the provisional Common Framework on Chemicals and Pesticides. DG officials have been consulted in the preparation of this EM.

14. The Welsh Government and the Scottish Government are supportive of the development of UK REACH PFAS in firefighting foams restriction proposals. The Secretary of State for Environment, Food and Rural Affairs, with the consent of Welsh and Scottish Ministers, will need to decide in due course whether or not to take a restriction forward. See below for further information on the UK REACH proposal.

15. Consideration of the waste management obligations arising in NI as a consequence of the EU REACH restriction may be required by the Northern Ireland Government, as waste policy is devolved.

## **LEGAL AND PROCEDURAL ISSUES**

16.

### **i. Legal Base**

The legal basis for this amendment is Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals ([EU] REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, and in particular Article 68(1) of EU REACH.

### **ii. Voting Procedure**

The procedure used for amendments to Annex XVII is Regulatory with scrutiny (Art. 5a par. 1-5), with a qualified majority required.

### **iii. Timetable for adoption and implementation**

The Regulation was adopted by the Commission on 2 October 2025, with restrictions on firefighting foams containing PFAS applying from different dates depending on the sector and use. Requirements relating to labelling, emissions minimisation, handling of discharges and management of existing stocks apply from 23 October 2026. Restrictions on portable fire extinguishers and certain training and testing uses apply from 2026/2027. A general restriction on the placing on the market and use of firefighting foams containing  $\geq 1$  mg/L for the sum of all PFAS applies from 23 October 2030. Longer transition periods apply for certain sectors where implementation of alternatives is considered more complex, including maritime, aviation, offshore oil and gas, and certain industrial installations, with some derogations extending until 23 October 2035.

## **POLICY AND LEGAL IMPLICATIONS**

17. Under the Windsor Framework, firefighting foams placed on the market in Northern Ireland must comply with EU REACH, including the PFAS limits introduced by this Regulation.
18. A separate UK REACH restriction proposal on PFAS in firefighting foams is currently being developed by the Health and Safety Executive (HSE). The HSE Annex XV dossier identifies firefighting foams as a significant source of environmental PFAS releases and proposes a GB-wide restriction to address risks arising from the persistence, mobility and potential substitution of PFAS substances.
19. The UK proposal is being developed separately from the EU Regulation but addresses similar policy objectives, including reducing environmental emissions of PFAS and supporting transition to fluorine-free alternatives where technically feasible.
20. A decision on whether to restrict PFAS in fire-fighting foams in GB will be made in due course by the Defra Secretary of State, with the consent of Welsh and Scottish Ministers. Opportunities to support trade flows between Northern Ireland and Great Britain through equivalent approaches on PFAS in firefighting foams will be considered, if deemed appropriate.

## **CONSULTATION**

21. The Health and Safety Executive (HSE) opened a public consultation on the UK REACH Annex XV restriction dossier for PFAS in firefighting foams on 18 August 2025. The consultation closed on 18 February 2026, and responses received are currently being considered ahead of publication of the final opinion. Some stakeholders expressed concerns with aspects of the EU proposal, but did not identify any specific trade barriers between NI and GB during the consultation. It

was noted that, if there were to be any future divergence between GB and EU requirements, this could potentially create practical considerations for maritime operators on GB–NI routes (for example, the Belfast to Cairnryan ferry which would be operating in different regulatory regimes if the GB and EU restrictions differed). However, extended transition periods proposed for the maritime sector by the EU restriction should provide sufficient time for any such issues to be managed.

22. Many stakeholders responding to the UK REACH proposal expressed a preference for alignment with aspects of the EU approach, including definitions, concentration limits and transition periods, to support consistency and ease of implementation.

## **FINANCIAL IMPLICATIONS**

23. The cost of this measure applying in NI is expected to be low overall, driven mainly by capital upgrades to fixed systems, replacement of PFAS foams with more expensive alternatives, and disposal of legacy stocks. Costs largely fall on businesses operating major industrial sites, with only limited impacts expected on public fire services.



**EMMA HARDY MP**  
**PARLIAMENTARY UNDER-SECRETARY OF STATE**  
**DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

COMMISSION REGULATION (EU) 2025/1988 OF 2 OCTOBER 2025 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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C (2023) 6419 FINAL:COMMISSION REGULATION (EU) .../... OF 25.9.2023 AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH) AS REGARDS SYNTHETIC POLYMER MICROPARTICLES

ANNEX TO THE COMMISSION REGULATION (EU) .../... OF XXX AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH) AS REGARDS SYNTHETIC POLYMER MICROPARTICLES

DATE DEFRA EM SIGNED: 27/06/2024 and 16/10/2024

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
	CLEARED SENT FOR INFORMATION TO THE NORTHERN IRELAND SCRUTINY COMMITTEE (CHAIR'S SIFT 1 9/5/25)

C(2023)4687: COMMISSION REGULATION (EU) / AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS FORMALDEHYDE AND FORMALDEHYDE RELEASERS

DEFRA EM DATED: 11/01/2024

SCRUTINY COMMITTEES' RECOMMENDATIONS:

<b>COMMONS</b>	<b>LORDS</b>
<b>SCRUTINY NOT COMPLETED (AGENDA 9, 7/2/24)</b>	<b>SIFTED FOR EXAMINATION TO THE WINDSOR FRAMEWORK SUBCOMMITTEE (CHAIR'S SIFT 45, 19/1/24)</b>

**C (2022) 2142 FINAL+ANNEX: COMMISSION REGULATION (EU) .../... OF 8.4.2022 AMENDING ANNEX XIV TO REGULATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH)**

**DEFRA EM DATED 13/07/2022**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

<b>COMMONS</b>	<b>LORDS</b>
<b>CLEARED BY HOC LETTER 29/11/23</b>	<b>DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 22; 21/7/22)</b>