



Brussels, 19th October 2026

Position Paper on the Proposed EU Universal PFAS Restriction

1. Purpose and position

The European Footwear Confederation (CEC) supports the European Union's objective of reducing emissions and exposure to per- and polyfluoroalkyl substances (PFAS) and supports the substitution of intentionally used PFAS by suitable safer alternatives wherever technically and economically feasible. The suitability of alternatives should be assessed not only on their availability, but also on their performance, durability and safety, taking into account the specific functional requirements of the footwear concerned, including protective, professional and high-performance applications. The CEC also supports the elimination of intentionally used PFAS from footwear and leather-goods manufacturing processes.

However, the forthcoming EU-wide PFAS restriction must establish a legally clear and proportionate framework for finished articles, including footwear and leather goods, and must distinguish between:

- intentional PFAS use in the manufacture of an article;
- PFAS incorporated through supplied materials or components;
- intentional PFAS use in a subsequent treatment or modification of an article; and
- incidental contamination occurring after manufacturing.

The current ECHA Annex XV restriction proposal **suggests restricting the manufacture, placing on the market and use of PFAS** and, under the proposed restriction option, PFAS in articles above a specified concentration limit, subject to the proposed transition period and use-specific derogations.

The CEC therefore considers that the final Commission proposal and subsequent REACH restriction should provide **clear rules on where regulatory responsibility arises and how compliance is to be demonstrated**.

2. Legal framework: manufacture, placing on the market and use

Under REACH restrictions, adopted under Article 68 and Annex XVII, **may apply to the manufacture, placing on the market and/or use of substances, mixtures and articles**. Such Annex XVII framework demonstrates that restrictions can expressly regulate articles as well as substances and mixtures.

This distinction is important for footwear. A manufacturer producing a shoe **without intentionally using PFAS** should not be regarded as having "used" PFAS merely because a PFAS substance was subsequently introduced by an independent operator.

Conversely, where a downstream operator **deliberately applies** a PFAS-containing waterproofing, impregnation or stain-repellent treatment to a finished shoe, that subsequent activity should be assessed **as a new intentional use of PFAS**, rather than as an inherent consequence of the original manufacture of the shoe.

The final restriction should therefore identify clearly the operator responsible for the relevant regulated activity.



3. Finished articles and the point of compliance

The current ECHA proposal is particularly significant because the proposed restriction options would establish concentration-based requirements for PFAS in articles.

For footwear, this raises a fundamental practical question: At what point should compliance of a finished article be assessed, and who is responsible where its composition is subsequently changed? Consider the following example:

- Manufacturer A produces a shoe without intentionally using PFAS →
- Distributor B stores and transports the shoe →
- Retailer C sells the shoe.

There is no reason to consider that ordinary storage, transport or retail handling itself constitutes a use of PFAS or creates PFAS in the article.

The situation changes if:

Operator B subsequently applies a PFAS-containing waterproofing or stain-repellent treatment.

In that case, PFAS was intentionally introduced into the article after its original manufacture.

It is consequently very relevant the **clear attribution of responsibility for the intentional introduction of PFAS**, while recognising that the final restriction may establish **concentration-based requirements for PFAS in finished articles**. These are complementary concepts: the regulatory framework should establish both the applicable compliance requirements for the article, and which economic operator is responsible where PFAS are intentionally introduced through a subsequent treatment, modification or replacement.

The CEC therefore recommends that the **final restriction and associated guidance establish clear point-of-introduction responsibility**: the economic operator undertaking an intentional PFAS-containing treatment, modification or replacement should bear responsibility for compliance arising from that activity. This principle should operate alongside, and not be confused with, any concentration-based compliance requirements applicable to finished articles. In particular, where PFAS are identified in a finished article, the regulatory framework should clearly distinguish between responsibility for the intentional introduction of PFAS and the objective assessment of the article against any applicable concentration or analytical threshold. This is particularly **important for repair, refurbishment, resale and other circular-economy activities**.

4. Ordinary handling does not create PFAS

PFAS are synthetic substances. Ordinary transport, storage, handling or retail display should not, in themselves, be treated as the use of PFAS or as activities giving rise to regulatory responsibility for PFAS in an article.

The CEC recognises that incidental transfer cannot be excluded in every conceivable circumstance. Nevertheless, an open-ended requirement for every manufacturer, distributor or retailer to guarantee that no PFAS can ever subsequently contact a finished article would be disproportionate and technically difficult to enforce.

For example, the following should not, as such, be treated as PFAS use:

- normal transport;



- normal warehousing;
- picking and packing;
- ordinary retail handling;
- normal consumer handling.

By contrast, the deliberate application of a PFAS-containing treatment constitutes a materially different situation and should be regulated accordingly.

5. Components and materials supplied to the footwear manufacturer

The CEC recognises that a finished shoe can contain PFAS even where the footwear manufacturer itself has not directly used PFAS.

Potential sources include:

- treated leather;
- coated textiles;
- waterproof membranes;
- surface coatings;
- specialised components;
- treated threads or other materials;
- adhesives or finishing systems where PFAS are intentionally present.

This issue should be addressed through supply-chain due diligence, rather than by requiring the footwear manufacturer to perform exhaustive analytical testing of every component.

Supplier declarations and technical documentation should form the basis of compliance, complemented, where appropriate, by targeted analytical testing of materials, components or processes presenting a higher or otherwise relevant risk of PFAS presence.

The final restriction should therefore support a hierarchy of evidence, including:

1. supplier declarations;
2. technical specifications;
3. chemical composition information where available;
4. risk-based assessment of relevant materials, components and processes; and
5. targeted analytical testing, where justified by identified risk.

This approach is consistent with the practical objective of controlling intentional PFAS use without imposing unnecessary or systematic testing throughout the value chain. Analytical testing should be focused on materials, components and processes for which the risk of intentional PFAS use or relevant PFAS presence is higher. Where analytical testing is considered necessary, the regulatory framework should also ensure that the results are interpreted appropriately, recognising that total fluorine is not automatically equivalent to PFAS, as further explained below.

6. Total fluorine is not equivalent to PFAS

The CEC considers that the future EU framework must clearly distinguish between the measurement of fluorine and the identification of PFAS.

PFAS are organic fluorinated substances. A total-fluorine measurement may, however, include both inorganic and organic fluorine. The presence of inorganic fluorine cannot constitute evidence of PFAS. Equally, the presence of organic fluorine alone does not necessarily demonstrate the presence of



PFAS, since organic fluorine may originate from fluorinated substances that do not fall within the applicable PFAS definition.

Accordingly, a total fluorine result should be used only as a screening parameter and should not automatically be treated as conclusive evidence of PFAS presence or regulatory non-compliance.

The use of total fluorine as a screening parameter should be supported by harmonised and validated analytical methods applicable to the relevant materials and articles. The regulatory framework should also establish clear and consistent criteria for interpreting screening results, including the circumstances in which further substance-specific analysis is required.

The CEC therefore recommends that the legislation establish a clear distinction between:

- measurement of total fluorine;
- determination, where appropriate, of whether detected fluorine is inorganic or organic;
- identification of the substance or substances responsible for the detected fluorine;
- determination of whether those substances fall within the applicable PFAS definition; and
- assessment of regulatory compliance.

Where the applicable fluorine screening threshold is not exceeded, the screening result should be sufficient to demonstrate compliance, without requiring additional PFAS-specific analysis.

Where the threshold is exceeded, economic operators should have the opportunity to demonstrate that the detected fluorine originates from a source other than PFAS, including inorganic fluorine or an organic fluorinated substance that does not fall within the applicable PFAS definition. Only where such evidence cannot establish a non-PFAS source should further targeted analysis, where appropriate, be required.

This approach is consistent with the principle that a screening result should not, in itself, determine the identity of a substance or establish regulatory non-compliance. It would provide a proportionate and scientifically sound compliance framework, avoid unnecessary analytical burdens and support consistent enforcement across the EU.

This distinction is particularly important for leather and footwear, where fluorine detected through a total-fluorine screening method should not automatically be attributed to PFAS. Questions concerning the presence, intentional use or introduction of PFAS should therefore be assessed separately based on appropriate substance-specific evidence.

7. Post-manufacturing treatments: a specific regulatory issue

The CEC considers the following activities to warrant specific attention:

- waterproofing;
- impregnation;
- stain repellency;
- oil repellency;
- re-finishing;
- repair treatments;
- aftermarket sprays;
- refurbishment treatments;
- replacement of components with PFAS-containing materials.



Where a PFAS-containing substance is intentionally applied during such an activity, the operator undertaking the activity should be responsible for compliance arising from that activity, including any applicable requirements for the resulting article.

This approach avoids a regulatory anomaly whereby a footwear manufacturer could be held responsible for a substance introduced into its product months or years later by an unrelated operator. On the other hand, it also supports the EU's circular-economy objectives by allowing repair and refurbishment to continue under clear chemical-safety rules.

8. Recommended legal principles for the final REACH restriction

The CEC recommends that the European Commission and Member States consider the following principles when drafting the final Annex XVII entry.

Principle 1: Responsibility should follow intentional use

Where PFAS are intentionally introduced through a treatment, component or modification, responsibility should rest with the operator undertaking that regulated activity.

Principle 2: Ordinary logistics should not constitute PFAS use

Transport, storage, distribution and ordinary retail handling should not, merely by occurring, constitute use of PFAS.

Principle 3: Compliance should be assessed at an identifiable regulatory point

The legislation should identify the relevant point at which an article must comply and should avoid creating indefinite liability for subsequent events outside the economic operator's control.

Principle 4: Incidental contamination should be treated differently from intentional use

The presence of trace PFAS resulting from incidental contamination should not automatically be equated with intentional use or regulatory non-compliance. Where incidental contamination is identified, its occurrence and likely source should, where reasonably practicable, be appropriately justified and assessed against the applicable concentration or analytical threshold, using the relevant validated analytical methodology and evidential framework.

Principle 5: Analytical screening should be scientifically interpreted

Where total fluorine is used as a screening method, the applicable total fluorine threshold should provide a clear compliance benchmark. Where the threshold is exceeded, companies should have the possibility to demonstrate, through appropriate evidence, that the measured fluorine does not derive from PFAS before additional targeted PFAS analysis is required.

Principle 6: Supply-chain due diligence should be risk-based

Documentation and testing requirements should focus on materials and processes where intentional PFAS use is reasonably foreseeable.

9. Proposed wording for consideration by the European Commission

The CEC calls for the final restriction or accompanying guidance include clarification along the following lines:

"For articles, compliance should be assessed having regard to the applicable concentration limit and the evidential framework established under this entry. The ordinary transport, storage, distribution or handling of an article does not in itself constitute a use of PFAS or generate PFAS in the article. Where PFAS are intentionally introduced into an article following its initial manufacture, including through



treatment, refurbishment, repair or replacement of components, responsibility for compliance arising from that subsequent activity should rest with the operator undertaking that activity. Where total fluorine is used as a screening parameter, a result at or below the applicable total-fluorine threshold should constitute compliance without the need for additional PFAS-specific analysis. Where the threshold is exceeded, the economic operator should have the opportunity to provide evidence demonstrating that the detected fluorine originates from a non-PFAS source. Only where such evidence does not establish a non-PFAS source should further targeted PFAS analysis, where appropriate, be required."

Such clarification would materially improve legal certainty without weakening the environmental objective of the restriction.

10. Conclusion

The European Footwear Confederation supports the progressive elimination of intentionally used PFAS from footwear and leather-goods manufacturing.

The sector nevertheless considers that the future EU restriction must be designed around clear concentration-based compliance requirements, scientifically appropriate determination of PFAS presence, and clear attribution of responsibility for intentional PFAS use, rather than creating an unlimited obligation to guarantee the absence of PFAS throughout every subsequent stage of an article's life.

A shoe does not generate PFAS merely because it is transported, stored, handled or sold. A materially different situation arises where a PFAS-containing treatment, component or other substance is intentionally introduced after manufacture.

The final REACH restriction should therefore establish:

Clear points of responsibility + risk-based supply-chain due diligence + proportionate, scientifically appropriate testing + clear concentration-based compliance criteria + a distinction between intentional use and incidental contamination.

Where suitable safer alternatives are not yet sufficiently available or do not provide the required level of performance, durability or safety for specific footwear applications, including protective, professional or high-performance footwear, the final restriction should allow for justified and time-limited transition periods. Such periods should be linked to clearly identified technical needs and should support the development, validation and adoption of suitable alternatives. Further research and innovation into safe, effective and technically suitable alternatives to PFAS remain important to enable the sector's transition.

The CEC stands ready to work with the European Commission, ECHA, Member States and other European industrial associations to support an ambitious, effective and legally workable transition towards PFAS-free footwear and leather goods.