# Luxembourg's Industry on PFAS

## FEDIL Position

22nd of January 2026 - VFR

# Protecting Health and the Environment while Safeguarding Europe's Industrial and its Strategic Objectives

## 1. Commitment to health, safety, and environmental protection

Luxembourg's industrial sector fully recognizes the regulatory and scientific matters under assessment related to certain **per- and polyfluoroalkyl substances (PFAS)**. Protecting workers, consumers, and the environment is a core responsibility for industry.

Luxembourg companies operate under some of the most stringent environmental, occupational health and safety, and chemicals legislation in the world, notably REACH[1], CLP[2], and national labour protection rules. These obligations are strictly applied in practice through systematic risk assessments, exposure minimisation measures, and compliance with workplace exposure limits. This includes the substitution of hazardous chemical substances where feasible, in line with applicable regulatory requirements. PFAS are no exception to this approach.

## 2. PFAS are enabling substances in critical applications

PFAS are not a homogeneous group, but a broad family of substances with very different properties and risk profiles. Certain PFAS possess a unique combination of characteristics – such as resistance to extreme temperatures, chemical stability, durability, non-reactivity, and electrical insulation – that cannot be easily replicated by alternative substances. These properties are essential for applications operating under harsh or extreme conditions, where failure would have serious safety, health, or performance implications.

For this reason, PFAS play a critical role in several sectors essential to Europe, including pharmaceuticals and medical devices, semiconductors and microelectronics, battery value chains and energy storage, electric mobility, hydrogen technologies, aerospace and defense, and industrial manufacturing equipment and advanced construction materials. In many cases, PFAS are used in closed and controlled industrial environments and are not present in the final consumer product.

Their widespread use across these critical applications demonstrates that PFAS are not employed for convenience, but because they enable technologies that are fundamental to Europe's health systems, climate objectives, energy transition, digital infrastructure, transport, mobility, and security. An undifferentiated or overly restrictive approach, therefore, risks undermining these objectives by removing materials that currently have no viable, equally safe alternatives. Any restriction should therefore be preceded by an accurate and exhaustive mapping of PFAS use-cases, accompanied by a robust impact analysis of the proposed limitations.

## 3. Ongoing substitution efforts and limits of feasibility

Industry is fully aware of the increasing regulatory pressure on PFAS and is actively working to phase them out wherever technically and economically viable alternatives exist. Significant investments have already been made in research, reformulation, and process adaptation. However, for a number of critical applications, no suitable alternatives are currently available without compromising safety, performance or sustainability. In these cases, time-limited and well-justified derogations are necessary. At the same time, it

[1] REACH: Registration, Evaluation, Authorisation and Restriction of Chemicals, the EU's main chemicals regulation (Regulation (EC) No 1907/2006), which governs how chemical substances are manufactured, imported, placed on the market, and used.

[2] CLP: Classification, Labelling and Packaging, following Regulation (EC) No 1272/2008. It ensures that chemical hazards are clearly identified and communicated.

is important to avoid so-called "regrettable substitution", where a PFAS is replaced by another substance that later proves to be equally or more problematic.

## 4. Need for realistic timelines and regulatory certainty

Under the proposal developed by the European Chemicals Agency (ECHA), a ban on the use of PFAS is envisaged, combined with time-limited derogations typically ranging from 5 to 12 years. Given the complexity of discovering, testing, qualifying, and deploying viable alternatives under real industrial conditions, multiple industrial sectors highlight that a five-year timeframe is widely considered insufficient. This leaves the 12-year period as the only realistic option, where substitution is technically feasible but still requires substantial development and qualification efforts. The absence of a clear revision or review clause – for example, an evaluation after five years – creates further legal and investment uncertainty.

At the same time, the proposed approach largely relies on a binary logic of either prohibition or time-limited derogations. This leaves limited room for more nuanced regulatory solutions that could allow continued use under clearly defined conditions, combined with strict risk management, emission controls, and monitoring requirements. Such an approach could effectively address the main environmental and health risks while providing the flexibility needed to ensure safe, and orderly transitions in critical, and highly regulated applications.

In this context, it is essential that regulatory implementation remains predictable and coherent across the European Union. Diverging national approaches, additional national requirements or unilateral measures beyond EU legislation would further increase uncertainty, create competitive distortions and undermine the level playing field within the internal market. For a small, and highly integrated economy such as Luxembourg, avoiding regulatory gold-plating and adhering closely to harmonized EU rules is therefore particularly important.

A stable, coordinated EU framework is a key precondition for maintaining investment in research, development, and manufacturing in Europe. Without such certainty, there is a risk that industrial activities will be relocated outside the EU at a time when strengthening Europe's industrial base, competitiveness, and resilience is a shared priority.

## 5. Competitiveness, resilience, and strategic autonomy

The proposed restriction must be assessed in the broader context of Europe's renewed focus on competitiveness and strategic autonomy. If essential intermediates, processing aids, and other substances necessary for industrial production are not appropriately exempted, European manufacturers may be forced to close activities, relocate production, or rely on imports from third countries. This would increase external dependencies and run counter to the objectives of the EU Pharmaceutical Strategy, the European Chips Act, the Green Deal, and other resilience and autonomy-focused initiatives. In addition, Product- and Process-Oriented Research and Development derogations are crucial to ensure that R&D activities associated with critical applications remain within Europe.

## 6. Luxembourg industry's responsibility, prevention, and cooperation

Luxembourg's industry is firmly committed to preventing hazardous substances from harming human health and the environment. This commitment extends beyond strict compliance with environmental, occupational health and safety, and chemical legislation and is reflected in concrete operational practices on industrial sites. In parallel, industry is committed to investing in research and innovation to prevent emissions and, whenever feasible, substitute hazardous substances with safer alternatives.

Where PFAS are used within Luxembourg's industry, they are predominantly employed as process agents in controlled industrial applications and, **are not present in the final products** manufactured and placed on the market in Europe. Companies implement precautionary measures, such as closed-loop systems, containment and emission controls, dedicated waste management and recycling, and end-of-life safeguards to effectively prevent and significantly limit releases to air, water, and soil and to protect workers from exposure. These measures are regularly monitored and continuously improved. Given the widespread and persistent presence of PFAS in the environment, the occurrence of unintended trace-level PFAS contamination can, however, not be fully excluded, even in industrial products where PFAS are not used intentionally.

Luxembourg's industry works closely with public authorities, regulators, and scientific experts to support evidence-based policymaking, and promote responsible use. Ongoing efforts to substitute PFAS where feasible, invest in alternatives, and reduce environmental footprints demonstrate the industry's willingness to be part of the solution. In this spirit, Luxembourg's industry remains a constructive and reliable partner in achieving high standards of health and environmental protection while sustaining safe and resilient industrial activity in Europe.

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