

## PFAS pollution prevention action

### Via implementation of Industrial Emissions Directive and fit for purpose Industrial Emissions Portal Regulation

To: European Commission, DG Environment

by email only

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Brussels, 21.02.2025

Dear Ms. Claudia Olazabal, Dear Mr. Stefan Leiner,

With this letter, the EEB calls for a legal clarification to be provided by the European Commission services to Member States in regards to regulatory action on pollution prevention at source on PFAS pursuant to the implementation of the Directive on industrial and livestock rearing emissions (IPPC-IED 2.0) and calls for listing of PFAS as a group and without reporting thresholds to the Annex II of the Regulation establishing the Industrial Emissions Portal (IEP-R) this year.

Through the Vereniging van Rivierwaterbedrijven ([RIWA-Rijn](#)), the EEB has been made aware that the German government takes the view [see Attachment n°1] that the IED would not provide a legal mandate to set at the source PFAS pollution prevention measures for its point sources at the national level. This opinion was formed first due to the absence of established BATs (national or EU level) or prevention techniques, the various properties of PFAS substances, the complexity and various substitutes being available for PFAS applications, as well as inconclusive data (quantity and quality). In conclusion, the German government fails to act on its obligations claiming that it “cannot set stricter requirements pursuant to Article 14 of the IED”, due to the absence of “state of the art” reference points.

Considering that the IED transposition is ongoing at Member State level, [including in Germany](#), to which the EEB provided input [see Attachment n°2], we believe that a legal clarification from the European Commission services and other follow up action(s) from the legal service are needed:

- the understanding of the German government is fundamentally flawed and would not only negatively undermine the IED 2.0 objectives of ensuring a high level of protection of human health and the environment taken as a whole, but also the ‘no legal basis to act’ excuse would also harm the integrity of the EU policy acquis implementation, if it were to remain unchallenged;
- the setting of pollution prevention at source measures, in particular for the EU’s largest industrial point sources, is not only the most cost-effective approach (decontamination is technically and economically unfeasible for many cases) but also an essential pre-condition to potential use of compensation rights for affected citizens. Obviously, those measures shall come as complementary to the restriction proposal set under REACH, covering sources as well from products/imports;
- the pollution prevention at source and the polluter pays principles are undermined. Allowing the status quo would allow business as usual for forever pollutants, to the sole benefit of EU/German chemical industry. The decontamination cost burden due to government failure(s) to act is shifted on other economic actors e.g. water service providers, including EU taxpayers, perverting the polluter pays principle to a what can be termed a ‘polluted victims pay twice principle’.

Recently, 94 organisations called the President of the European Commission to act with boldness and moral clarity to act on PFAS pollution prevention<sup>1</sup>. The findings of the Forever Lobbying Project<sup>2</sup> have uncovered the magnitude of the issue of what is considered as ‘the most serious pollution crisis humanity has ever faced’. The cost of cleaning PFAS contamination in Europe if emissions remain unrestricted is evaluated to €2 trillion over a 20-year period, or an annual bill of €100 billion.

We believe that the Commission Services you are in charge of can provide an immediate and meaningful contribution to dealing with the PFAS pollution prevention at source complementary to the REACH restriction: first by providing (legal) clarification as to minimal expectations as to the IED transposition e.g. requirements to set ambitious emission limit values at detection limit level, ensuring in same time strict compliance promotion with environmental quality standards such as set for EU’s water. The granting of EU state-aid in the field of environment should be put on hold for any Member State not able to demonstrate that adequate pollution prevention at source measures for its largest point source emitters have been taken.

Secondly, by latest end of 2025, the European Commission must adopt an updated list of pollutants listed in Annex II of the IEP-R through a delegated act. The co-legislators asked that it should “*specifically assess the need to reduce the reporting thresholds for per- and polyfluoroalkyl substances (PFAS) and other relevant substances*”. In our view, a straight listing of PFAS as a group without any relevance thresholds is required as per Article 15(2) of the IEP-R because it fulfils at least two of the four stated trigger conditions and due to the specific particularly high hazard properties of the PFAS group to both environment and human health. Doing so will automatically trigger a crystal-clear obligation for Member States to set emissions limit values at source for the relevant point source activities under the IED as per its Article 14(1).

Thirdly, a fast-track update of the relevant BAT Conclusions to be made fit for PFAS pollution-prevention / de-pollution should be initiated. Whilst the EEB is fully committed and supportive to setting first of its kind BAT-Conclusions in the revised [STM BREF](#), the time-bound and scope bound limitations need to be considered. As it stands the [CWW BREF](#), supposed to regulate wastewater discharges from the chemical industry does not set BAT associated performance levels on PFAS. The [WT BREF](#) has a few BAT Conclusions on PFOS and PFOA only but lacks dedicated depollution BAT on wider PFAS groups.

We call on the EU to end this unsatisfactory state of affairs. The time has come for decisive action and what we propose in this letter is based on immediately available opportunities (*see Annex for more details as to relevant provisions*). Through robust regulation and the promotion of innovation, the EU can set an example of a toxic-free, future-proof, and competitive economy.<sup>3</sup>

We look forward to exchange further views on the matter and are committed to collaborate with you to share efforts to deliver on the actionable solutions -as proposed- to contribute towards the zero-pollution ambition.

Best wishes,

Christian Schaible  
Head of Zero Pollution Industry

Sara Johanssen  
Senior Policy Officer for Water Pollution Prevention

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<sup>1</sup> See Letter to Commission President <https://eeb.org/library/letter-to-ursula-von-der-leyen-its-time-to-end-the-worst-pollution-crisis-in-human-history-ban-pfas/>

<sup>2</sup> See here <https://foreverpollution.eu/lobbying/>

<sup>3</sup> EEB (2024) [Restricting PFAS will ramp up innovation. META article](#)