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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject: COMMISSION STAFF WORKING DOCUMENT Union submission to the 12th session of the International Maritime Organization's Sub-Committee on Ship Systems and Equipment proposing to amend SOLAS, the 1994 HSC Code and the 2000 HSC Code to add PFAS to the list of prohibited fire-extinguishing media

Delegations will find attached document SWD(2026) 32 final.

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COMMISSION STAFF WORKING DOCUMENT

Union submission to the 12th session of the International Maritime Organization's Sub-Committee on Ship Systems and Equipment proposing to amend SOLAS, the 1994 HSC Code and the 2000 HSC Code to add PFAS to the list of prohibited fire-extinguishing media

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PURPOSE

This Staff Working Document contains a draft submission to the International Maritime Organization's (IMO) 12th session of the Sub-Committee on Ship Systems and Equipment (SSE 12). The IMO has scheduled SSE 12 from 9 to 13 March 2026.

This document summarises the required elements for a comprehensive proposal to amend chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974, the High-speed craft (HSC), 1994 and the HSC Code, 2000 with the aim to add PFAS (fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom) to the list of prohibited fire-extinguishing media.

It takes into account the recent developments on this issue within the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, the Risk Assessment Committee (RAC) of the European Chemicals Agency, the Socio-Economic Analysis Committee of the European Chemicals Agency (SEAC) and the European Chemicals Agency (ECHA), as well as the recently adopted EU Regulation banning the placing on the market and use of PFAS in firefighting foams.

The document follows the Union information paper to SSE 10 (SSE 10/INF.5) on a possible prohibition of fire-fighting foams containing fluorinated substances for new ships in addition to PFOS, including the prohibition of the use of foams containing PFAS.

EU RELEVANCE

Commission Regulation (EU) 2025/1988 of 2 October 2025 amending Annex XVII to Regulation (EC) No 1907/2006 as regards per- and polyfluoroalkyl substances in firefighting foams¹ bans the placing on the market and use of PFAS in firefighting foams, while allowing for a transitional period of 10 years for ships with firefighting foams placed on board before the coming into force of the regulation, which is long enough to enable a safe transition.

Perfluorooctanoic acid has been banned under Regulation (EU) 2019/1021 of 20 June 2019 on persistent organic pollutants², as amended, since 4 July 2020.

In addition, the Ship Recycling Regulation 1257/2013³ sets out a number of additional requirements that go beyond those set in the Hong Kong Convention, including two additional Hazardous Materials (PFOS and HBCDD) in its Annexes. Hence, PFOS must be identified in the Inventories of Hazardous Materials of ships flying an EU flag.

In light of all of the above, the present draft Union submission falls under EU exclusive competence pursuant to article 3(2) TFEU, as the revision of SOLAS, the 1994 HSC Code and the 2000 HSC Code, once adopted, risks affecting or altering Union legislation and in particular Regulation (EC) No 1907/2006 and Regulation (EU) 2019/1021.⁴ This Staff Working Document is presented to establish an EU position on the matter and to transmit the document to the IMO prior to the required deadline of 2 January 2026.

¹ OJ L, 2025/1988, 3.10.2025.

² OJ L 169, 25.6.2019, p. 45

³ OJ L 330, 10.12.2013, p. 1

⁴ An EU position under Article 218(9) TFEU is to be established in due time should the IMO Maritime Safety Committee eventually be called upon to adopt an act having legal effects as regards the subject matter of the said draft Union submission. The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*' (Case C-399/12 Germany v Council (OIV), ECLI:EU:C:2014:2258, paragraphs 61-64). The present submission, however, does not produce legal effects and thus the procedure for Article 218(9) TFEU is not applied.

DEVELOPMENT OF PROVISIONS TO CONSIDER PROHIBITING THE USE OF FIRE-FIGHTING FOAMS CONTAINING FLUORINATED SUBSTANCES, IN ADDITION TO PFOS, FOR FIRE-FIGHTING ON BOARD SHIPS (7.41)

Proposal of draft amendments to SOLAS chapter II-2, the 1994 HSC Code and the 2000 HSC Code to add PFAS (fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom) to the list of prohibited Fire-extinguishing media

Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands (Kingdom of the), Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the European Commission, acting jointly in the interest of the European Union

SUMMARY

Executive summary: This document summarises the required elements for a comprehensive proposal to amend chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974, the High-speed craft (HSC), 1994 and the HSC Code, 2000 with the aim to add PFAS (fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom) to the list of prohibited fire-extinguishing media.

Strategic direction, if applicable: 7

Output: 7.41

Action to be taken: Paragraph 16

Related documents: SSE 9/15/1, SSE 10/INF.5

Background

1 MSC 106 approved draft amendments to SOLAS chapter II-2 in relation to the prohibition of fire-fighting foams containing perfluorooctane sulfonic acid (PFOS), which were adopted by MSC 107 as the respective amendments to SOLAS and the HSC Codes on PFOS.

2 The Sub-Committee on Ship Systems and Equipment considered document SSE 9/15/1 (Norway et al.) and concluded that further discussion was necessary regarding the prohibition of other fire-fighting foam types in addition to PFOS.

3 Based on the justification agreed by the Sub-Committee, MSC 107 endorsed the change of scope of the related output regarding the prohibition of other fire-fighting foam types in addition to PFOS.

4 At its 10th session, the Sub-Committee agreed to continue considering the matter, having considered the additional information in document SSE 10/INF.5 (Austria et al.) on a possible prohibition of fire-fighting foams containing fluorinated substances for new ships in addition to PFOS, including the prohibition of the use of foams containing PFAS (fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom).

5 Furthermore, SSE 10 had invited interested Member States and international organizations to make relevant submissions.

Discussion

6 The co-sponsors note that the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants at its twelfth meeting has decided to amend part I of Annex A to the Stockholm Convention on Persistent Organic Pollutants to list long-chain perfluorocarboxylic acids, their salts and related compounds (PFCAs), in addition to the already listed perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF), perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds and perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds.

7 The co-sponsors also recall that in its opinion, the Risk Assessment Committee (RAC) of the European Chemicals Agency agreed that a restriction that treats PFAS as a group is the most appropriate measure to reduce the risks of PFAS in firefighting foams. RAC noted that the scope of the restriction proposal is based on the persistence of the substances within the group. Based on the available information, RAC concluded that all PFAS substances are to be considered persistent.

8 The co-sponsors note that in regard to the analysis of alternatives, the Socio-Economic Analysis Committee of the European Chemicals Agency (SEAC) concluded that technically and economically feasible fluorine-free alternatives are available and can be implemented. SEAC also took note of the Committee for Risk Assessment's (RAC) conclusion that hazards and corresponding risk associated with alternatives are likely to be significantly lower than those associated with PFAS-based firefighting foams, with the possible exception of siloxane-based alternatives.

9 On the basis of these opinions, the EU has now adopted a regulation⁵ banning the placing on the market and use of PFAS in firefighting foams, while allowing for a transitional period of 10 years for ships with firefighting foams placed on board before the coming into force of the regulation, which is long enough to enable a safe transition.

10 The co-sponsors further note that the European Chemicals Agency (ECHA) has identified that certain PFAS are toxic for reproduction and can harm the development of fetuses, and that several PFAS may cause cancer in humans. ECHA also highlights that PFAS are extremely persistent in the environment, leading to continuous human and environmental exposure. In view of these risks, the continued use of firefighting foams containing PFAS on board ships presents a potential source of direct exposure for seafarers, as well as the indirect exposure through the wider environment. Protecting seafarers from such exposures is an essential part of ensuring safe and healthy working conditions.

⁵ 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

11 The co-sponsors also recall that guidance to support stakeholders in the transition from PFAS-containing firefighting foams to fluorine-free alternatives is available⁶.

Proposal

12 To address the above, the co-sponsors propose that SOLAS chapter II-2, the 1994 HSC Code and the 2000 HSC Code be revised as proposed in the annex to this document.

13 Should the proposal be adopted, then there will also be a need to revise “MSC.1/Circ.1312 REVISED GUIDELINES FOR THE PERFORMANCE AND TESTING CRITERIA, AND SURVEYS OF FOAM CONCENTRATES FOR FIXED FIRE-EXTINGUISHING SYSTEMS”.

Action requested of the Sub-Committee

- 14 The Committee is invited to:
- Consider the proposal to restrict PFAS in maritime firefighting foams.
 - Approve the phased implementation strategy and timelines.

⁶https://echa.europa.eu/documents/10162/6956102/EU_guidance_for_transitioning_to_fluorine-free_firefighting_foams_en.pdf/24d79e79-a1af-dd0c-0b31-bdc2f78f08fe

ANNEX

SOLAS CHAPTER II-2

Construction – Fire protection, fire detection and fire extinction

Part A

General

Regulation 1

Application

2 Applicable requirements to existing ships

3 The following new paragraph 2.11 is added after existing paragraph 2.10, with the associated footnote:

"2.11 Ships constructed on or after [1 January 2030] shall comply with regulation II-2/10.11.3 [, as adopted by resolution MSC...(112),].

Ships constructed before [1 January 2030] shall comply with regulation II-2/10.11.3 [, as adopted by resolution MSC...(112),] not later than the date of the first survey* after 1 January 2035.

Part C

Suppression of fire

Regulation 10

Fire fighting

4 The section 11 is amended as follows:

"11 Fire-extinguishing media restrictions

11.2 General

11.2.1 The prohibited substances in this regulation shall be delivered to appropriate shore-based reception facilities when removed from the ship.

11.2.2 Use or storage of extinguishing media containing perfluorooctane sulfonic acid (PFOS) shall be prohibited.

11.2.3 Use or storage of extinguishing media containing fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (PFAS) other than perfluorooctane sulfonic acid (PFOS)."

AMENDMENTS TO THE INTERNATIONAL CODE OF SAFETY FOR HIGH-SPEED CRAFT, 1994 (1994 HSC CODE)

CHAPTER 7

Fire safety

Part A

General

7.9 Miscellaneous

1 The following new paragraph 7.9.4.2 is added to the existing paragraph 7.9.4.1 with the associated footnote:

"7.9.4 Fire-extinguishing media restrictions

7.9.4.2 The following restrictions should apply for the use, storage or disposal of fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (PFAS) other than perfluorooctane sulfonic acid (PFOS):

.1 on craft constructed on or after [1 January 2030], use or storage of extinguishing media containing fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (PFAS) other than PFOS should be prohibited;

.2 on craft constructed before [1 January 2030], use or storage of extinguishing media containing fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (PFAS) other than PFOS should be prohibited no later than the date of the first survey* after [1 January 2035];

and

.3 the prohibited substances in this regulation should be delivered to appropriate shore-based reception facilities when removed from the craft.

AMENDMENTS TO THE INTERNATIONAL CODE OF SAFETY FOR HIGH-SPEED CRAFT, 2000 (2000 HSC CODE)

CHAPTER 7

Fire safety

Part A

General

7.9 Miscellaneous

1 The following new paragraph 7.9.4.2 is added to the existing paragraph 7.9.4 with the associated footnote:

"7.9.4 Fire-extinguishing media restrictions

7.9.4.2 The following restrictions shall apply for the use, storage or disposal of fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (PFAS) other than perfluorooctane sulfonic acid (PFOS):

.1 on craft constructed on or after [1 January 2030], use or storage of extinguishing media containing fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (PFAS) other than PFOS should be prohibited;

.2 on craft constructed before [1 January 2030], use or storage of extinguishing media containing fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (PFAS) other than PFOS should be prohibited no later than the date of the first survey* after [1 January 2035]; and

.3 the prohibited substances in this regulation shall be delivered to appropriate shore-based reception facilities when removed from the craft.

* Refer to the *Unified interpretation of the term "first survey" referred to in SOLAS regulations (MSC.1/Circ.1290).*"