

Client Alert

FDA AND LIFE SCIENCES
ENVIRONMENTAL, HEALTH AND SAFETY

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France Adopts a Law Banning PFAS in Cosmetics, Textiles, and Waxing Products

After several months of uncertainty due to amendments made by the Senate and the dissolution of the National Assembly shortly thereafter, France finally passed a law on February 27, 2025, aiming to reduce risks associated with perfluoroalkyl and polyfluoroalkyl substances ("PFAS") (the "Law"), which will come into effect on January 1, 2026.ⁱ

This new development requires strong vigilance from economic players involved in the commercialization of products affected by the upcoming ban.

SCOPE OF THE BAN

As of January 1, 2026, the manufacturing, export, import, sale or free distribution in France of the following products will be prohibited if they contain PFAS in a level beyond thresholds to be specified in an implementing decree:

- Cosmetic products;
- Clothing textiles, shoes, and their waterproofing agents, with exceptions for products designed for personal protection and safety (the list of which is to be specified by an implementing decree); and
- Waxing products.

As of January 1, 2030, the ban will expand to all textile products (for example, textiles used in furniture). Exceptions are granted for textile products with "essential uses", those contributing to national defense and for which there is no alternative solution, and "technical textiles" for "industrial use" (the list of which is to be specified by an implementing decree).

No deadline is set out for the adoption of the above-mentioned implementing decrees.

The Law provides for controls and administrative sanctions in the event of non-compliance with the bans.

ESTABLISHMENT OF A TAX BASED ON THE POLLUTER-PAYS PRINCIPLE

Companies operating so-called “classified facilities”ⁱⁱ that release certain PFAS into water will be liable for a tax. This measure will only apply to sites that (i) are subject to authorization under the French legislation on facilities classified for environmental protection; and (ii) release in-scope PFAS into the water in a quantity starting from 100 grams per year. The list of PFAS upon which the tax is based will be defined by an implementing decree. The tax is set at a rate of €100 per 100 grams of all in-scope PFAS emitted.

Note that financial charges for industrial water pollution are already collected for other pollutants, such as nitrates.

FURTHER CONSIDERATIONS

The Law also imposes obligations on public authorities.

It extends sanitary controls of drinking water in France to include the monitoring of certain PFAS substances, to be listed by an implementing decree. This list will not be exhaustive since the Law allows local authorities to add additional PFAS to their local drinking water controls when such additions are justified by local circumstances and if the additional PFAS can be effectively quantified by laboratories. In this regard, the Law goes further than Directive (EU) 2020/2184 on the quality of water intended for human consumption that requires the presence of 20 types of PFAS to be monitored in drinking water beginning in 2026.ⁱⁱⁱ The additional authority granted to local authorities under the Law was considered necessary because there are several examples of known contamination at French sites with PFAS that are not included in the list of PFAS to be monitored under the European Directive.

Furthermore, the Law incorporates mechanisms to ensure transparency on PFAS management:

- Publication of a map listing all sites currently or previously emitting PFAS.
- Publication by Regional Health Agencies of annual reports on their analysis programs and results (including those concerning bottled water).
- Release of annual national reports on water quality in relation to the presence of PFAS.
- Adoption of a national roadmap for the gradual reduction of aqueous PFAS discharges.

CONCLUSION

The next step for the application of the Law is the adoption of the implementing decrees, especially those setting the thresholds, specific exemptions, and PFAS triggering the new tax. It is unclear when those decrees will be enacted, and the Law does not set a deadline. Given that the bans are supposed to enter into effect in less than a year, the Government should presumably submit draft decrees for public consultation in the coming weeks or months.

Our attorneys can help companies better understand the Law and its potential impacts and monitor the adoption of its implementing decrees. They can also assist with the determination and preparation of measures to be taken to meet the new requirements.

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- ⁱ Law No 2025-188 of 27 February 2025 aiming to protect the population from the risks associated with perfluoroalkyl and polyfluoroalkyl substances.
 - ⁱⁱ A classified facility is an industrial or commercial installation that is subject to specific regulations due to its potential impact on the environment, health, or safety. (See Art. L. 511-1 of the Environmental Code for further details.)
 - ⁱⁱⁱ Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption.