



PFAS in Spain: between current regulations and future legal developments — challenges and prospects

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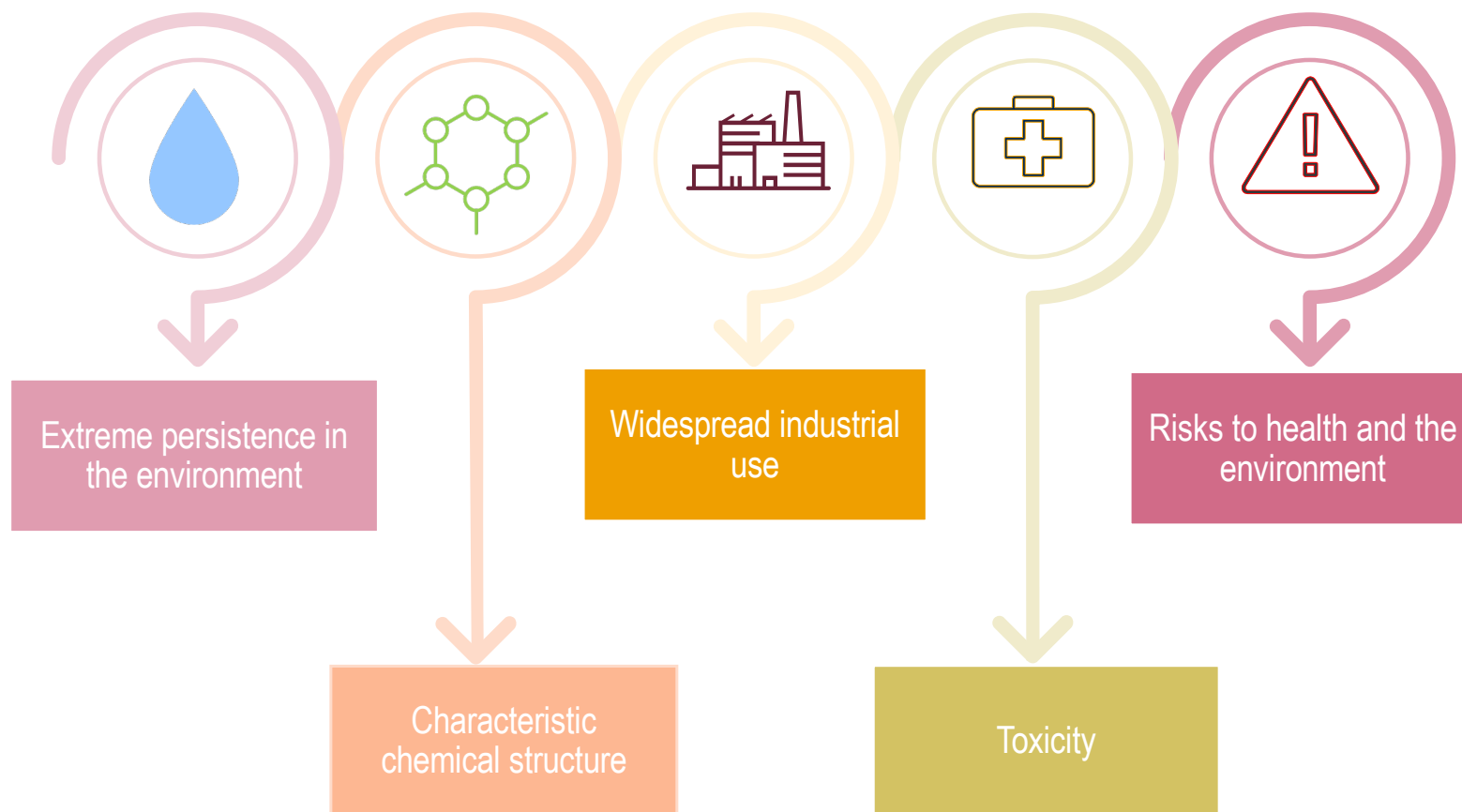
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1. PFAS: main features



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2. Current regulatory framework



2. Current regulatory framework



2. Current regulatory framework

National level

- ❖ At national level, there is still no specific legislation on PFAS.
- ❖ The current framework is derived mainly from European legislation.
- ❖ At present, Spain has only two regulatory references:



1

National Implementation Plan for the Stockholm Convention

2

Royal Decree 3/2023 of 10 January on the quality of water intended for human consumption



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3. Future legal horizons



Progress is being made towards a broad-ranging restriction that could limit the manufacture, placing on the market and use of a wide range of PFAS.

It introduces a more cross-cutting approach to PFAS and strengthens their control in water bodies. Member States must transpose it by 21 December 2027.

The WHO has initiated a process of collecting and reviewing scientific evidence on PFAS to support new international regulatory values for the year 2027.

New reporting, labelling and traceability obligations are being introduced, reflecting a new European trend towards greater operator responsibility.

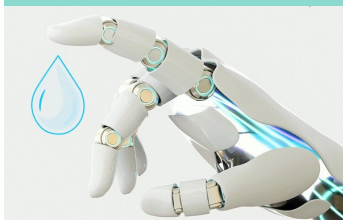
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TECHNOLOGICAL INVESTMENT

Operators in the water, waste, chemicals and agri-food must invest in the filtration, removal or replacement of PFAS to comply with the new limits. The main technology under consideration is activated carbon.



STRENGTHENING INFORMATION

Require suppliers to provide declarations of presence/absence, composition, alternatives and certificates, and keep this documentation up to date for audits, inspections and clients.



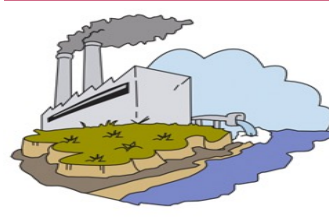
ADMINISTRATIVE LIABILITY

Failure to comply with applicable regulations — in particular Law 26/2007 on Environmental Liability and the drinking water standards set out in Royal Decree 3/2023 — may result in administrative penalties and, in contracts with the public authorities, in contractual penalties or termination of the contract.



CIVIL LIABILITY

Liability may arise towards consumers, neighbouring communities or other affected third parties, combining contractual liability (Article 1101 of the Civil Code) and non-contractual liability (Article 1902 of the Civil Code) with specific consumer protection mechanisms.



CRIMINAL LIABILITY

In the most serious cases, the environmental offence under Article 325.1 of the Criminal Code may apply and, in cases involving foodstuffs harmful to health, Article 363 of the Criminal Code.



5. Closing remarks

OBLIGATIONS ALREADY APPLY

PFAS regulation is no longer a matter for the future: specific and binding obligations already apply today (e.g. drinking water, food contact packaging).

A BROADER FRAMEWORK IS COMING

At the same time, a much broader regulatory framework is being built, with a growing impact expected across numerous sectors in the coming years.

FRAGMENTED TODAY

Today's framework is fragmented, with obligations depending on the sector, product and affected medium involved.

MORE CROSS-CUTTING TOMORROW

The coming years will bring progressively more cross-cutting regulation, driven mainly by the general REACH restriction and new water-related requirements.

BUSINESS READINESS

For businesses, this means an increasing need to know which PFAS are present in products and processes, control the supply chain, anticipate regulatory change, and be able to demonstrate compliance.

ANTICIPATION IS THE CHALLENGE

The main challenge for businesses is not only to adapt once a new prohibition enters into force, but to anticipate it.

Thank you for your attention

Questions welcome

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Madrid Commercial Register, Volume 24490 of the Register, Folio 42, Section 8, Page M-43976, Entry 85. Company name: Uría Menéndez Abogados, S.L.P. Tax Identification Number (NIF): B28563963

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