POSITION PAPER

Japan Business Council in Europe

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JBCE'S POSITION ON THE PROPOSED RESTRICTION OF MEDIUM-CHAIN CHLORINATED PARAFFINS UNDER EU-POPS REGULATION[1]

INTRODUCTION

As a cross-sector association with member companies of Japanese parentage operating in different industries and stages in the supply chain (electronics, chemicals, polymer, automotive, machinery, semiconductor, wholesale trade, precision instruments, pharmaceutical, steel, nonferrous metal, textiles, ceramics, and glass products), the Japan Business Council in Europe (JBCE) welcomes the opportunity to contribute to the consultation regarding the proposed restriction of Medium-Chain Chlorinated Paraffins (MCCPs).

KEY MESSAGES

JBCE understands that the proposed restriction of MCCPs is in line with the target set in the "zero pollution vision for 2050". We recognize that the draft proposal reflects the discussions at the Stockholm Convention as well as the views previously shared by the industry. However, as a cross-sectoral association, we would like to provide some recommendations on the content of the draft delegated regulation.

1. Sufficient time to check the performance of final products

Even when a potential alternative substance to MCCPs for a given, specific application in a product has been found, it still needs to be assessed and proven whether the use of that substance does permit the products to keep the same level of performance, safety, durability and robustness following design changes. Additionally, a special derogation is necessary for certain products - such as transport and medical devices - which need to go through certification processes again after the introduction of new substance restrictions. This work requires financial resources, but above all, it requires human resources. A shortage of specialists causes delays in R&D activities.

[Example of the steps and realistic timelines for material substitution in Electric and Electronic Equipment (EEE)]

STEP0	Development of alternative chemicals	(No period)
STEP1	Testing of alternative materials	1-2 years
	Reliability test: performance test of the product	1-2 years
STEP2	Device design change	0.5-1 year
	Change the production line /buy new production equipment	1-2 years
	Create Technical Documentation	0.5 year
	Training at the production site	a few months

[1] Regulation (EU) 2019/1021 on persistent organic pollutants

	Production management (information to customers)	0.5-1 year
	Third-party certification	1 year without clinical trial a few years or more with clinical trial

2. Long transition period for specialist devices

Especially for transport and specialist devices such as medical devices, in vitro diagnostic medical devices, as well as monitoring and control devices, a longer transition period is necessary. These devices have longer lifespans and longer design cycles than B2C EEE and, consequently, they require a longer transition period. In fact, it is for this reason that the RoHS Directive[2] grants a longer transition periods for these devices compared to other B2C EEE. These devices contribute to society through, for example, diagnostics measuring hazardous chemicals, environmental monitoring (e.g. air pollution and water quality), safety monitoring (e.g. fire warnings and product safety) and innovation (e.g. the development of new pharmaceutical products). If the transition period is too short, these devices cannot be placed on the EU market, which would have a negative impact on society.

3. Case studies on the replacement of UV-328 and Dechlorane plus

Based on our industrial experience of replacing UV-328 and Dechlorane Plus, even though the downstream industries had notified to their upstream suppliers the regulatory information years before the application date, the industry encountered unforeseen issues when using these chemical substances close to the application date.

The reasons were that

(i) Since these chemical substances had been used for the broad upstream industries, there were extensive distribution tasks to be performed including inventory,
(ii) General electric and electronic components for general applications and spare parts were widely affected,
(iii) The performance challenges of the proposed alternative were found at the other end of the value-chain, and
(iv) Some of the equipment were unintentional applications that downstream users could not recognize.

MCCPs might face a similar scenario. The EEE industry has made efforts for the notification scheme to the entire supply chains however, there are still challenges to roll out widely. Especially, as many chemical substances used as flame retardants have been proposed to be eliminated and/or restricted by regulations, options for alternative have become limited from a technical perspective.

[2] Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment

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ABOUT JBCE

Founded in 1999, the Japan Business Council in Europe (JBCE) is a leading European organisation representing the interests of over 110 multinational companies of Japanese parentage active in Europe. Our members operate across a wide range of sectors, including information and communication technology, electronics, chemicals, automotive, machinery, wholesale trade, precision instruments, pharmaceuticals, textiles, and glass products.

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