

JBCE'S POSITION ON THE DRAFT OPINION OF SEAC FOR AN ANNEX XV DOSSIER PROPOSING RESTRICTIONS ON MEDIUM-CHAIN CHLORINATED PARAFFINS¹ (MCCPS)

INTRODUCTION

Being a cross-sector association with member companies 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), JBCE welcomes the opportunity to contribute to the discussion regarding the draft opinion of SEAC an Annex XV dossier proposing restrictions on MCCPs.

KEY MESSAGES

On a general note, JBCE understands that the proposed restriction proposal for MCCPs is in line with the target of having “a zero-pollution ambition for a toxic-free environment” which was proposed in the “Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment- (CSS)”. However, despite agreeing with and supporting its concept and purpose to protect human health and the environment, we would like to point out that the currently proposed restriction raises various issues which need to be addressed in terms of scientific reasoning and socio-economic impact, as highlighted by various companies across different impacted sectors represented by JBCE.

Our main points of concern are listed below.

1: Sufficient transition period for the final products

1-1: Investigation of MCCPs contained in the final products through long supply chains

- Regarding the conditions of restriction, point 5 states, regarding identifiers of covered substances, that “[*Within three months after entry into force*] of the restriction, the European Chemicals Agency shall publish and maintain on its website an indicative list of identifiers describing substances that may contain the chloroalkanes listed in column 1)². MCCP is a Substance of very high concern (SVHC)³, but the proposal is broader than the current scope of MCCP as SVHC.
- To correctly investigate the MCCPs contained in the products, not only the description

¹ and other substances that contain chloroalkanes with carbon chain lengths within the range from C14 to C17

² <https://echa.europa.eu/documents/10162/b3e78ae1-3b17-36d2-2d92-3984a99ec84f>

³ <https://www.echa.europa.eu/web/guest/candidate-list-table/-/dislist/details/0b0236e185f78852>

based on the chemical composition but also specific identifiers such as EC numbers and/or CAS numbers are essential. It will only be after the release of the list that the upstream companies can investigate the presence and overall concentration of MCCPs in the products and inform their downstream users and customers. Since the supply chain is long and international, final product manufacturers need sufficient time to collect the information from their suppliers.

1-2: Sufficient time to check the performance of final products

- After an alternative substance to MCCPs is found, it still needs to be proven whether final products show the same level of performance, safety, durability and robustness after design changes or not. A special derogation is necessary for some products - such as medical devices - which need to go through certification processes again after the introduction of new substance restrictions. This work requires financial and above all human resources. A shortage of specialist causes a delay in R&D activities.

1-3: Long transition period for specialist devices

- Especially for 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 electrical and electronic equipment (EEE) and, consequently, they need a longer transition period. In fact, it is for this reason that the RoHS Directive gives longer transition periods for these devices compared to other B2C EEE. These devices contribute to society through, for example, diagnostics (e.g. PCR tests), measuring hazardous chemicals, environmental monitoring (e.g. air pollution, water quality), safety monitoring (e.g. fire warning, product safety) and innovation (e.g. development of new pharmaceutical products). If the transition period is too short, these devices cannot be placed on the EU market and consequently it will negatively impact society.

For the above reasons, JBCE asks for a sufficiently long transition period to be set after the list of identifiers is published to avoid socio-economic disruption. The two-year grace period proposed by SEAC is too short for the industry to implement the requirements. Sector-specific sufficient transition periods should be introduced.

2: Spare parts: A “repair as produced” principle should be introduced

- JBCE strongly believes that spare parts for EEE placed on the market before the implementation of the restriction should be excluded from the restriction without an expiry date. If spare parts are not exempted, the lifetime of EEE will be shortened. Consequently, the volume of waste of EEE will rapidly increase, which is undesirable from the viewpoint of circular economy. Therefore, a “repair as produced” principle should also be introduced as it is the case in the RoHS Directive (2011/65/EU).
- Furthermore, we believe that these measures are needed not only for EEE but also for motor vehicles, industrial machines for use in agriculture and construction, marine, garden and outdoor power equipment, including forestry machinery, aerospace and defence applications, medical imaging and radiotherapy devices. Appropriate consideration needs to be given to each of these applications.
- In addition, reuse of used parts/used equipment should be exempted from the restriction without expiry date in order to make the EU society more sustainable.

ABOUT JBCE

Founded in 1999, Japan Business Council in Europe (JBCE) is a leading European organization representing the interests of 100 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, pharmaceutical, textiles, and glass products.

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EU Transparency Register: [68368571120-55](https://ec.europa.eu/transparency/regexp1/index.cfm?do=entity.entityDetail&entityId=68368571120-55)