POSITION PAPER

Japan Business Council in Europe

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JBCE'S POSITION ON THE PROPOSED RESTRICTION OF LONG-CHAIN PERFLUOROCARBOXYLIC ACIDS, THEIR SALTS AND RELATED COMPOUNDS UNDER EU POPS REGULATION[1]

INTRODUCTION

Being a cross-sector association with member companies of Japanese parentage operating in different industries and stages of the supply chain (electronics, chemicals, polymers, automotive, machinery, semiconductors, wholesale trade, precision instruments, pharmaceuticals, steel, non-ferrous metals, 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 Long-Chain Perfluorocarboxylic Acids, their salts and related compounds (LC-PFCAs).

KEY MESSAGES

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

1. The scope of the UTC limit values should also include "articles"

Paragraph 4 of the proposed Annex to the draft delegated regulation on LC-PFCAs specifies that the unintentional trace contaminant (UTC) limit value does not apply to articles.

By contrast, under the Stockholm Convention, note (i) to Annex A provides a general exemption for POPs present as unintentional trace contaminants in products and articles, and under the EU POPs Regulation, common UTC limit values for substances, mixtures and articles have already been established for other PFAS, such as PFOS, PFOA and PFHxS.[2]

Furthermore, LC-PFCAs are already regulated as restricted substances under Annex XVII, entry 68 of the EU REACH Regulation, where the restriction requirements (in particular paragraph 2 of the Annex) set common concentration limit values applicable to substances, mixtures and articles.

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[1] Commission Regulation (EU) 2021/1297 of 4 August 2021 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards perfluorocarboxylic acids containing 9 to 14 carbon atoms in the chain (C9-C14 PFCAs), their salts and C9-C14 PFCA-related substances

[2] Stockholm Convention text and Annexes revised in 2025

In practice, effective risk-management measures to reduce LC-PFCA levels focus on minimising side-formation and enhancing purification at the fluoropolymer manufacturing stage, whereas it cannot reasonably be expected that dedicated, technically and economically feasible processes, which have not yet been put into practical use, at the compounding, processing or article-manufacturing stages will be available to selectively remove trace LC-PFCAs once they are incorporated into the polymer matrix.

Ensuring consistency and harmonisation of regulatory requirements across both international frameworks and different EU legal instruments is essential to facilitate the smooth functioning of global supply chains and the circulation of products.

JBCE therefore urges that the scope of the UTC limit values for LC-PFCAs under the EU POPs Regulation be extended to include articles.

Such an approach would also ensure consistency with paragraph 11 of the same restriction under Annex XVII to REACH concerning PTFE micropowders produced by ionising irradiation or by thermal degradation, which are subject to a concentration limit of 1,000 ppb. That concentration limit applies not only to PTFE micropowders as such, but also to mixtures and articles for industrial and professional uses containing PTFE micropowders.

Specific exemption on intermediate use or other specification in the Annex	**JBCE's amendment**
4. By way of derogation from paragraph 1, for the purpose of this entry, Article 4(1), point (b) shall apply to the sum of concentrations of C9-21 PFCAs equal to or below 0,1 mg/kg (0,00001 % by weight) where they are present in fluoroplastics and fluoroelastomers that contain perfluoroalkoxy groups. This unintentional trace contaminant level shall not apply to articles. All emissions of C9-21 PFCAs that are unintentionally formed during the production and use of fluoroplastics and fluoroelastomers that contain perfluoroalkoxy groups shall be avoided and, if not possible, reduced as far as technically and practically possible.	4. By way of derogation from paragraph 1, for the purpose of this entry, Article 4(1), point (b) shall apply to the sum of concentrations of C9-21 PFCAs equal to or below 0,1 mg/kg (0,00001 % by weight) where they are present in fluoroplastics and fluoroelastomers that contain perfluoroalkoxy groups. ~~This unintentional trace contaminant level shall not apply to articles.~~ All emissions of C9-21 PFCAs that are unintentionally formed during the production and use of fluoroplastics and fluoroelastomers that contain perfluoroalkoxy groups shall be avoided and, if not possible, reduced as far as technically and practically possible.

2. A sufficient transition period should be provided before the entry into force

Industry continues to make sustained and good-faith efforts to comply with regulatory requirements on LC-PFCAs, verifying the presence or absence of LC-PFCAs along global supply chains, and confirming through appropriate analytical testing that their concentrations are below

the applicable UTC limit values. However, it is not possible to perform an accurate analysis to comply with the threshold, as the standard substances required for the analysis of C15–C21 PFCAs are not available[3]. Practical challenges that require significant effort and time remain.

JBCE therefore recommends that a sufficiently long transition period be provided and that the date of entry into force be set accordingly, taking into account the time required for supply chain communication, data collection and analytical confirmation.

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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[3] UNEP/POPS/POPRC.18/11/Add.4