

**Japan 4EE Input to 1st Stakeholder Consultation –
Questionnaires for indium phosphide (CAS 22398-80-7; EC 244-959-5);
for Medium chain chlorinated paraffins (MCCPs) - Alkanes, C14-17,
chloro (CAS 85535-85-9; EC 287-477);
for nickel sulphate (CAS 7786-81-4; EC 232-104-9) and nickel sulfamate
(CAS 13770-89-3; EC 237-396-1); and
for cobalt dichloride (CAS 7646-79-9, 7791-13-1; EC 231-589-4) and
cobalt sulphate (CAS 10026-24-1, 10124-43-3; EC 233-334-2)**

15 June, 2018

Name of the associations which make this input :

The Japanese electric and electronic (E&E) industrial associations:

Japan Electronics and Information Technology Industries Association (JEITA);

Japan Electrical Manufacturers' Association (JEMA);

Japan Business Machine and Information System Industries Association (JBMA); and

Communications and Information network Association of Japan (CIAJ)

With cooperation of the following Medical and Monitoring & Control Equipment Industrial Associations:

JAIMA (The Japan Analytical Instruments Manufacturers' Association); and

JEMIMA (Japan Electric Measuring Instruments Manufacturers' Association)

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We would like to submit our input to 1st Stakeholder Consultation on –

Questionnaire for indium phosphide (CAS 22398-80-7; EC 244-959-5);

http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Pack_15/Questionnaire/Indium_phosphide_Questionnaire_1st_Cons_Pack-15.pdf

Questionnaire for Medium chain chlorinated paraffins (MCCPs) - Alkanes, C14-17, chloro (CAS 85535-85-9; EC 287-477);

http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Pack_15/Questionnaire/MCCPs_Questionnaire_1st_Cons_Pack-15.pdf

Questionnaire for nickel sulphate (CAS 7786-81-4; EC 232-104-9) and nickel sulfamate (CAS 13770-89-3; EC 237-396-1);

http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Pack_15/Questionnaire/Nickel_sulphate_sulfamate_Questionnaire_1st_Cons_Pack-15.pdf

and Questionnaire for cobalt dichloride (CAS 7646-79-9, 7791-13-1; EC 231-589-4) and cobalt sulphate (CAS 10026-24-1, 10124-43-3; EC 233-334-2)

http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Pack_15/Questionnaire/Cobalt_dichloride_sulphate_Questionnaire_1st_Cons_Pack-15.pdf

as follows together.

Please note: Following information is mostly based on Japanese industry's intelligence collected in previous studies and others. We have not gathered information on these substances from our suppliers

yet, because they are currently not covered under SVHC or other legislations and we have no scheme to gather information for these substances.

About indium phosphide (hereinafter „InP“), we wonder why this substance is included in this study, because data justifying nomination as “priority substance under RoHS” seem to be significantly lacked. For example, there were no data on volume of use etc. of InP in previous study of 2014, but the study only referred to data on indium. It never seems to be sufficient basis for prioritising InP. Furthermore, indium has been listed as Critical Raw Material for EU, and the Commission considers that it has significant economic importance for EU. We consider that it would be better to have this substance discussed in the context of CRM initiatives under the Circular Economy policy.

According to our knowledge, following substances are not contained in EEE:

- nickel sulphate (CAS 7786-81-4; EC 232-104-9) and nickel sulfamate (CAS 13770-89-3; EC 237-396-1); and
- cobalt dichloride (CAS 7646-79-9, 7791-13-1; EC 231-589-4) and cobalt sulphate (CAS 10026-24-1, 10124-43-3; EC 233-334-2)

Therefore it should be reconsidered whether these substances need to be further assessed under RoHS. We had provided this information on nickel in 2014 study, and other EEE industrial associations also have same view as long as we know. Therefore we wonder why these substances still remain as the subject in the current study.

About MCCP, Japan 4EE gave answers for questionnaire on MCCPs in 2016. Please see attached.

General Comments:

We sincerely hope that the RoHS Directive would continuously contribute to sustainable social development of the Europe. In this regard, we would like to point some concerns out as follows:

(1) We cannot but feel a sense of incongruity in current consultation that seems as if to premise a restriction.

In the first place, there were many unsolved issues in the choice of “priority list” which would be prioritised in future RoHS study in 2014, such as lack of data on end-of-life stage of EEE. Furthermore, we cannot understand the reason why the substances which do not stay behind in finished EEE are still targeted for current study, as pointed out in the above.

Under current flow of studies, the reasons of choice of substances are kept vague, on the other hand, only existing facts of doing studies on RoHS are piled up. We have serious concerns about such way that it be unsuitable for mind of Better Regulation.

In addition, nickel sulfate, nickel sulfamate (nickel bis sulfamidate) and indium phosphide were prioritised as "fourth highest priority". Cobalt dichloride and cobalt sulfate were prioritised as "fifth highest priority", but proper grouping of them according to Methodology was "seventh highest priority". (Because of absence of fifth and sixth, the numbering was changed, however, such alteration doesn't

seem to be an appropriate way of assessing substances based on their hazard and risk.) And the recommendations for these substances from Oeko Study of 2014 were as follows: "Lower priority to assess if environmental benefits justify restriction" for indium phosphide, and "Assessment can be prepared at later stage as restriction aimed at quantities present in end-product and thus impact on use needs to be revisited." for other substances.

Therefore, especially for these substances with lower priority in previous studies, we consider that the reasons why these are selected for current consultation should be provided first, before requiring detailed information. What is the aim of gathering information? If the aim is to assess if environmental benefits justify restriction as the previous recommendation or to check the possibility of presence in final products, we consider that the consultation had better to clearly state such aims first from the point of view of transparency and to get more accurate input.

(2) Coordination with other EU policies, scheme of laws and regulations should be reconsidered including Critical Raw Materials initiative based on circular economy policy.

Indium is still regarded as "critical" for EU industry and listed in the latest CRM list¹ based on "Methodology for establishing the EU list of critical raw materials"² refined in 2017. It is the results of new calculating formula to judge Economic importance, and Indium is judged as important. European Commission publishes "Report on Critical Raw Materials and the Circular Economy"³ in 2018, thus the examination and discussion on the CRM policy is continued lively.

On the other hand, we cannot know why the explanation about the cooperation or coordination with other policies including CRM is completely lacked in the recent studies on RoHS after the choice of previous list of priority substances. Especially about CRMs, they should be discussed under wider framework covering overall circular economy policy at first before starting studies under RoHS, in view of the industrial and economic importance.

(3) Consultation period is too short for comments.

Only in 60 days as the period for contribution, all we can do is to reply to the consultation solely based on the materials at our hand and our knowledge. We industry would like to request to set at least 180 days (same as the period set for the consultation of draft dossiers by RAC/SEAC under REACH) as the period for comments on draft dossiers in the future consultation so that we may give more useful input to the consultation after more-detailed review. We believe full consideration among all the stakeholders would make the RoHS Directive contribute to European sustained development.

¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the 2017 list of Critical Raw Materials for the EU (COM(2017) 490 final)
Brussels, 13.9.2017
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0490>

² <https://publications.europa.eu/en/publication-detail/-/publication/2d43b7e2-66ac-11e7-b2f2-01aa75ed71a1/language-en>

³ Brussels, 16.1.2018

COMMISSION STAFF WORKING DOCUMENT Report on Critical Raw Materials and the Circular Economy
SWD(2018) 36 final (Brussels, 16.1.2018)

<https://ec.europa.eu/docsroom/documents/27327>

(4) Setting and handling of "Priority list" (Annex III of the "Final Report") is uncertain and we have serious concern about the possible situation where the substances which have not been enough investigated would be misunderstood as "black-listed" in vain.

(5) "Evidence of waste relevance" seems to be too poor in general.

In the priority list made by the Environment Agency of Austria, there are many substances which are judged to be "red" (there is evidence), though even an "evidence of waste relevance" for each substance concerned is not shown. Only four references are listed, and for one of them, concrete referenced document is not identified. For example of indium phosphide, according to Annex 4 of "Study for the Review of the List of Restricted Substances under RoHS2 (Reference: ENV.C.2/ETU/2012/ 0021", information on "Evidence of waste relevance" of indium phosphide) was "n.i.(no information) for Article 6(a) and "n.d.i. (no detailed information) for Article 6(b) and (c). We cannot find the reason why "high relevance" on waste issues of indium phosphide could be justified based on such no or poor information.

From the purpose of RoHS Directive, and according to the "Methodology", waste relevance issues become the turning point of the judgment on whether a substance should be regulated under the RoHS. Therefore, we believe that the prioritization should not dare to be done based only on the poor data, but should be considered after having collected the necessary data about each substance and inspected such data.

(6) Socio economic impact of a possible restriction should be carefully conducted.

Generally speaking, in the socio-economic impact assessment, benefit and risk of presumed scenarios must be quantified, then compared and evaluated. Especially, following aspects would be important:

- benefit and risk of the use of the substance under review,
- detailed risk assessments of substitute substances in themselves,
- assessments of whether applications of the substance under review can really be replaced,
- reliability of parts/products using substitutes,
- necessary period to evaluate them, and
- influence on product safety.

We believe that such aspects having big socio-economic impact should be taken into consideration properly. Furthermore, we believe that the inspection of cost for substitution should be performed at each stage of supply chain. Even in the cases where some parts/materials could be technically substituted, for substituting such parts/materials completely, each of material suppliers, parts manufacturers (in general, there are far more parts manufacturers than manufacturers of finished products, and each supply-chain usually extends to the secondary, tertiary or more) and manufacturers of finished products must have technical processes for reviewing and developing substitution, testing its quality and reliability, and acquiring certification on applicable standards such as on safety as necessary. Therefore, the feasibility study for possible substitution (if any) should be done all the stages of the production of EEE.

(7) Description of identifiers (such as EC number or CAS number) to identify chemical substance

The substances restricted under the RoHS Directive must be managed strictly from manufacturing process. In order to such strict control, such substances should be identified and managed by CAS Numbers. In the current priority list, substances are described in CAS Numbers, and it is very effective method in order to comply with the RoHS directive thoroughly.

About Japanese electric and electronic (E&E) industrial associations:

About JEITA

The objective of the Japan Electronics and Information Technology Industries Association (JEITA) is to promote the healthy manufacturing, international trade and consumption of electronics products and components in order to contribute to the overall development of the electronics and information technology (IT) industries, and thereby further Japan's economic development and cultural prosperity.

About CIAJ

Mission of Communications and Information network Association of Japan (CIAJ). With the cooperation of member companies, CIAJ is committed to the healthy development of info-communication network industries through the promotion of info-communication technologies (ICT), and contributes to the realization of more enriched lives in Japan as well as the global community by supporting widespread and advanced uses of information in socio-economic and cultural activities.

About JBMIA

Japan Business Machine and Information System Industries Association (JBMIA) is the industry organization which aims to contribute the development of the Japanese economy and the improvement of the office environment through the comprehensive development of the Japanese business machine and information system industries and rationalization thereof.

About JEMA

The Japan Electrical Manufacturers' Association (JEMA) The Japan Electrical Manufacturers' Association (JEMA) consists of major Japanese companies in the electrical industry including: power & industrial systems, home appliances and related industries. The products handled by JEMA cover a wide spectrum; from boilers and turbines for power generation to home electrical appliances. Membership of 291 companies, <http://www.jemanet.or.jp/English/>

About Medical and Monitoring & Control Equipment industrial associations:

About JAIMA

The Japan Analytical Instruments Manufacturers' Association (JAIMA) is a sole industry association of Analytical Instruments in Japan, which established under the Japanese law. Member of JAIMA are more than 200 leading companies in Japan. JAIMA is to contribute to the development of the Japanese economy and the cultural lives of citizens in Japan through efforts to improve and advance technologies

related to analytical instruments and the analytical instruments industry for the purpose of the advancement of science & technology.

About JEMIMA

Japan Electric Measuring Instruments Manufacturers' Association (JEMIMA) has been an active forum for measuring instruments manufacturers since its establishment in 1948. It has 85 companies as regular members and 29 companies & 7 organizations as supporting members. JEMIMA members contribute to a wide variety of industries by supplying products as "Mother Tools of the industry" for R&D design, and manufacturing. JEMIMA activities are becoming more and more global, since most of the issues our industry is facing are also global. By actively working on these issues, we help our members to meet the challenge and promote the development of the industry worldwide. To achieve these goals, JEMIMA take "Globalization & promotion of International activities" to be one of the focal activities.