



European Semiconductor Industry Association

27.1.2017

ESIA Input to Stakeholder Consultation on REACH REFIT evaluation

The European Semiconductor Industry Association (ESIA) should like to thank the European Commission for conducting a thorough assessment of the REACH regulation. ESIA represents the European semiconductor sector where companies are typically operating globally. The landscape of EU REACH regulation and the uncertainty it brings to their manufacturing process in Europe compared with other regions is one critical area of consideration. In terms of chemical usage, the industry is a downstream user of bulk chemicals and of critical specialty materials, that are used predominantly at very low volume. These materials in many instances are of central importance for the manufacturing process and need to be used due to their unique properties and critical functionality. These chemicals are used within manufacturing closed systems with no exposure under normal manufacturing process conditions.

ESIA believes that a reopening of the REACH legislation at this stage is not needed. There are many reasons for this; the functioning of REACH is generally going in a positive direction and it would be too early to reopen the REACH legislation at this moment because it has yet to reach its full potential, only about 50% of the substances due for registration are currently registered. In addition, the quality of substance data is still a work in progress, the authorization of substances has only just begun and the substitution of substances of very high concern, is therefore, in its first phase. Industry also has put the systems in place to meet the REACH requirements and is getting used to the regulatory process.

In addition to the ESIA response to the REACH REFIT evaluation online public stakeholder consultation, ESIA would highlight the following points below;

- ESIA welcomes the continued efforts and commitment of the REACH Competent Authorities and the European Commission to work to improve and streamline the overall REACH authorisation process. ESIA agrees that low volume uses should have a lower threshold of information due to the disproportionality of the cost of preparing an authorisation application. For sectors like the European semiconductor manufacturing industry where substances in specialty materials are typically used in low volume (can be at the level of grams used per year or many under 10 kilograms per year), within manufacturing closed systems with no exposure under normal manufacturing process conditions, there are very limited potential benefits for human health and the environment accruing from the sector's use in terms of having large levels of additional detail and documentation.

ESIA is an Industry Association of:

EECA : European Electronic Component Manufacturers' Association

Rue de la Duchesse 11/13, B-1150 Brussels

Tel: +32 2 290 36 60 · Fax: +32 2 290 36 65 · E-mail: secretariat@eusemiconductors.eu · Web: www.eusemiconductors.eu

EECA is registered in the EU Transparency Registry: 22092908193-23

- Semiconductor industry would feel strongly that a simplified application for authorisation for a downstream user's low volume uses, when used in tightly controlled conditions, could be applied for by the actual upstream applicant for authorisation for the respective uses downstream.
- ESIA asks Authorities to consider that there are circumstances where the inevitable authorisation phase-out agenda is not necessarily the appropriate regulatory tool for all uses of a substance. There is a case for continued tightly controlled and safe uses, without a view to phase out when there is low volume, low risk of exposure and when the substance is evidently critical to technologies which are important to maintain within the European Union such as those identified as a Key Enabling Technologies.
- ESIA would suggest that Authorities consider to choose more for the restriction legislative tool rather than authorisation. Authorisation creates uncertainty and a very negative impact on overall EU industrial competitiveness.
- ESIA welcomes the introduction of the risk management option analysis (RMOA) programme. This is very useful for awareness and planning in terms of what member states are evaluating and in most cases allowing user industry feedback and input to the authorities with information on the substance.
- In terms of the REACH registration 2018 deadline, ESIA would underline that there is a potential risk of supply chain disruption due to non-supply from chemical suppliers many of whom for the semiconductor sector are not located within the EU. ESIA would support a "safety net" should chemicals not be registered before 31st May 2018.
- ESIA would suggest for ECHA to consider to establish one ECHA IT database system for all substances with all elements included in an overview, including the regulatory status for all substances and for this to be made available in one user-friendly format.
- In certain cases, ESIA believes the appropriate regulatory management tool employed by the EU could be to consider to use occupational exposure legislation or at times environmental protection legislation instead of authorization or restriction under REACH to manage risks to the workers and the environment when a substance is deemed to need additional regulatory measures.
- ESIA would note that when substances are added to the SVHC candidate list this creates an enormous administrative burden on semiconductor companies irrespective of the actual level of potential risk that comes from the semiconductor use of the substance.
- RoHS /REACH - ESIA would underline the importance of the common understanding paper on REACH and RoHS on restricting SHVC in products or in adding substance to annex XIV. In scope RoHS products, should be excluded from the scope of these REACH elements and there should be no overlap and legislative duplication.
- ESIA would encourage that sectors where the risk from the small use of manufacturing substances is clearly well managed to be highlighted and if necessary when no substitutes exist, for exemptions to be considered and granted. ESIA would recall being the first industry sector to work directly with ECHA authorities on developing downstream industry exposure scenario examples in 2010.

About ESIA

The European Semiconductor Industry Association (ESIA) is the voice of the Semiconductor Industry in Europe. Its mission is to represent and promote the common interests of the Europe-based semiconductor industry towards the European Institutions and stakeholders in order to ensure a sustainable business environment and foster its global competitiveness. As a provider of key enabling technologies the industry creates innovative solutions for industrial development, contributing to economic growth and responding to major societal challenges. Being ranked as the most R&D intensive sector by the European Commission, the European Semiconductor ecosystem supports approx. 200.000 jobs directly and up to 1.000.000 induced jobs in systems, applications and services in Europe. Overall, micro- and nano-electronics enable the generation of at least 10% of GDP in Europe and the world.