

From: [REDACTED] (GROW)
Sent: vendredi 22 juillet 2022 16:09
To: [REDACTED] (GROW)
Cc: [REDACTED] (GROW); [REDACTED] (GROW)
Subject: Meeting with ESIA on semiconductors in PFAS - please register in Ares
Attachments: PFAS Presentation COM V2.pptx

Online meeting with ESIA on semiconductors in PFAS - 14/06/2022, 14:30-15:30

Participants:

[REDACTED]	ESIA, [REDACTED]
[REDACTED]	CEHS, [REDACTED]
[REDACTED]	ESIA, [REDACTED]
[REDACTED]	EMEA, [REDACTED]
[REDACTED]	GlobalFoundries, [REDACTED] [REDACTED]
[REDACTED]	DG GROW - [REDACTED]
[REDACTED]	DG GROW - [REDACTED]

ESIA presented their association, key figures of the semiconductor industry and explained the use of PFAS across the semiconductor industry (see attached presentation).

The key points of the presentation were:

- PFAS are used in low concentrations in semiconductor manufacturing, for photolithography and etching, and that there are no feasible alternatives available. It took the semiconductor industry about 10 years to substitute long chain PFAS with lower chain PFAS. Research is on-going to find alternatives.
- The industry is aware of the need to minimise and prevent releases to the environment at different production stages, e.g. through closed system manufacturing, and is working in that direction.
- A semiconductor PFAS Consortium has been created, including not only manufacturers but also other companies in the supply chain. The Consortium is working on minimisation of PFAS use and on the identification of research needs as it is important to pool resources together. Research is key to find alternatives and phase out PFAS,
- In the upcoming restrictions for PFHxA and PFAS, there is a need to derogate the use in semiconductors, according to the industry representatives.

The presentation was followed by a Q&A session.

Q1. PFHxA Restriction process is well underway. In the RAC and SEAC background documentation, it was noted that an extension to the 12-year derogation for the semiconductor industry is only justified when manufacturers provide more detailed information on substitution efforts and prepare detailed

substitution plans. There is concern that for certain uses of PFHxA, 12 years might not be sufficient to substitute PFHxA. What would a review process look like for an extension of the derogation?

██████████ replied that COM received the final RAC and SEAC opinion from ECHA in May and is assessing the opinion and information available. At this stage, COM cannot say much more on what the final Commission proposal for a restriction will look like. However, COM notes that RAC and SEAC recommend a 12-year derogation for semiconductors and semiconductor related equipment. COM prepares the draft restriction on the basis of ECHA's recommendations, even if it can deviate in justified cases. The final extension of the derogation will be the result of the discussions with the Member States in the REACH Committee on the Commission proposal. The inclusion of a review clause is not the preferred option, but the Commission has always the right to review and amend the restriction in Annex XVII if necessary based on evidence available. In other words, an extension of such derogation would be possible upon Commission's initiative.

Q2. The legal aspect of the Essential Use Concept will not be part of the proposed REACH Restriction on PFAS. Nonetheless, it was noted that essentiality will be used to some extent in the PFAS Restriction. How will that work?

██████████ noted that the "universal" PFAS restriction is being prepared by five Member States and the Commission is not involved in the preparation of the restriction dossier. Therefore, COM does not know at this stage how the Member States intend to integrate essentiality in the restriction dossier.

Q3. The final RAC and SEAC opinion on the restriction of PFHxA uses a definition of "Semiconductors and semiconductor related equipment". Is it fair to assume that this also covers semiconductor manufacturing equipment?

██████████ noted that, based on her reading of the opinion, the wording "semiconductors and semiconductor related equipment" is meant to cover also semiconductor manufacturing equipment (see SEAC explanation on p. 17 of the opinion). When drafting the restriction proposal, COM is in contact with ECHA in case there is a need to clarify any point from the opinion. The objective is to ensure that the wording of the restriction proposal is clear enough to ensure proper enforcement and avoid misinterpretation.

Best regards,
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