

Brussels, 24 November 2023

Subject: POP nomination of D4, D5, D6

Dear Ms. Jorna,
Dear Ms. Fink-Hooijer,

We, the undersigned associations of silicone monomers and polymers users, together with the silicones industry, would like to raise our strong reservations about the Commission's intention to nominate D4, D5 and D6 as persistent organic pollutants (POPs) under the Stockholm Convention.

Impact on the EU's strategic agenda and key industries

The nomination of D4, D5 and D6 as POPs under the Stockholm Convention would put at risk their intermediate use to produce silicone polymers, as well as many applications of silicone polymers. To put this into perspective, over 98% of global production of D4, D5 and D6 is used to make silicone polymers. Please see Annex A for some of the strategic uses of silicone polymers. You will see that silicone polymers are vital for Europe's strategic autonomy, digitalisation, the Green Deal and climate neutrality, as well as for many of the industries that enable the European economy, such as adhesives and sealants, and the wellbeing of its citizens, including healthcare.

The European Commission's POP nomination proposal puts at risk the over 100,000 applications of silicone polymers, whereas we understand the Commission's objective is to only address direct uses in personal care globally, which is less than 2% of uses. Annex B lists several examples of how the scope of nominations under the Stockholm Convention can expand after a Party submits them. Once a nomination proposal is submitted, we are concerned that the European Commission could not simply withdraw it unilaterally, even if the scope were to expand significantly, for example, if intended exemptions for polymer production were not accepted.

Addressing emissions from cosmetics

The silicones industry is in dialogue with the cosmetics sector on the issue of regulating emissions from the cosmetics and personal care sector beyond the European Union. We are convinced that better alternatives could be identified to address these emissions globally, without threatening the vital use of D4, D5 and D6 in the manufacturing of silicone polymers.

The case for an Impact Assessment

The Commission's Better Regulation guidelines (#Toolbox 7) indicate that an impact assessment can be used (1) when the proposal is likely to lead to significant, economic, environmental ... impacts, ...and (2) the Commission has a choice between alternative policy options (page 42, Toolbox). We strongly believe these conditions are met for a potential POP nomination of D4, D5 and D6. So far, no impact assessment on a potential POP listing has been provided. It is crucial, in our view, that such an impact assessment is carried out prior to a potential nomination by the EU.

We remain at your disposal to answer any questions you may have and would propose to meet with you to discuss this critical issue in more in detail.

Yours sincerely,



On behalf of Silicones Europe and the Silicones Europe Downstream User Forum

Detlef Wischer
Chairman of Silicones Europe

On behalf of the undersigned members of Silicones Europe and the Silicones Europe Downstream User Forum:



ACEA, the European Automobile Manufacturers' Association



Afera, the European Adhesive Tape Industry Network



AmCham EU, the American Chamber of Commerce to the European Union



ASD, Aerospace, Security and Defence Industries Association of Europe



German Aerospace Industries Association

BDLI, the German Aerospace Industries Association



Federation of German Security & Defence Industries e.V.

BDSV, the Federation of German Security & Defence Industries



BEM, the German Federal Association for eMobility

Bundesverband eMobilität
Neue Mobilität



CEPE, the European Council of the Paint, Printing Ink and Artists' Colours Industry



The CHT Group



CLEPA, the European Association of Automotive Suppliers



Cosmetics Europe, the Personal Care Association

Cosmetics Europe
the personal care association



Deutsche Bauchemie, the German Association of Manufacturers of Construction Chemical Products



The Dow Chemical Company



DuPont de Nemours, Inc.



EFCC, the European Federation for Construction Chemicals



Elkem



EUCTL, European Chemistry for Textile and Leather



Europacable, the Voice of Europe's Leading Wire and Cable Manufacturers



Evonik Industries AG



FEC, the Federation of the European Cookware and Cutlery Industries



FEICA, the Association of the European Adhesive & Sealant Industry



FIM, the French Federation of Mechanic Industries



FINAT, the European Association for the Self-Adhesive Label Industry



GdW, the Association of the German Housing Industry



Momentive Performance Materials, Inc.



Nucleareurope, the Trade Association for the Nuclear Energy Industry in Europe



PU Europe, the European Voice of the Polyurethane Insulation Industry



RadTech Europe, the European Association for Energy Curing Technology



Shin-Etsu Chemical Co., Ltd.



Solární, the Czech Solar Association



Spectaris, the German Industry Association for Optics, Photonics, Analytical and Medical Technologies

symbase The Symbase Group

T&D
&europe T&D Europe, the Voice of Europe's Grid Technology Providers

TEGEWA Tegewa, the German Platform of Process and Performance Chemistry

WACKER Wacker Chemie AG

wdk Wirtschaftsverband
der deutschen
Kautschukindustrie e.V. WDK, the Association of the German Rubber Industry

zvei
electrifying
ideas ZVEI, the German Electro and Digital Industry Association