**General comments and answers to specific information requests**

**Specific information requests:**

1. **Aerospace and defence applications**

During the consultation on the Annex XV report, stakeholders requested a longer derogation for aerospace and defence applications and relevant spare parts until 2031. To substantiate this request and to be able to assess the impacts could you provide the following information:

1. Further detailed information on specific uses of dechlorane plus in these sectors to justify the longer derogation; Information on the socio-economic implications if the derogation is not put in place.
2. Additional information on specific uses and emissions Dechlorane plus in aerospace and defence applications, with a particular emphasis on use in spare parts (including overall quantities per year and a forecast for the future).
3. **Medical imaging applications and radiotherapy devices/installations**

During the consultation on the Annex XV report, a stakeholder provided a comment to support a derogation, related to medical imaging applications and radiotherapy devices/installations (comment #3537). In response to these comments, the Dossier Submitter has proposed a derogation for medical imaging applications and radiotherapy/installations and relevant spare parts in these sectors in the proposed restriction. However, for a complete evaluation of this derogation further information is needed on:

1. The quantity of Dechlorane Plus used in the EU per year for this industry;
2. How widely is this substance used in the EU;
3. Further detailed information on the exact type of use, conditions of use, related emissions and impacts of a restriction (including why alternatives are not available/technically or economically feasible). Please provide an estimate of the quantities of Dechlorane plus used per year in specific uses and a forecast for use quantities in the future (ideally per year) in the event that a derogation is included in the conditions of the restriction;
4. Suggested wording for a possible derogation such that it covers the necessary uses and only those uses (specific equipment and part of the equipment), including the duration for any specific uses.
5. Additional information on specific uses and emissions Dechlorane Plus in medical imaging applications and radiotherapy devices, with a particular emphasis on use in spare parts (including overall quantities per year and a forecast for the future).
6. **Motor vehicles**

In response to the comments received in the automotive industry, the Dossier Submitter has proposed a derogation for relevant spare parts in these sectors in the proposed restriction.

Could you please provide:

1. During the consultation on the Annex XV report, a stakeholder (comment #3527) provided further information on the use, availability of alternatives and the current use scenario of DP in the Japanese automotive industry. Could further detailed information on alternatives and use volumes in European companies, any additional information on ongoing substitution projects and on why alternatives are not technically or economically feasible be provided?.
2. Additional information on specific uses and emissions Dechlorane Plus in motor vehicles, with a particular emphasis on use in spare parts (including overall quantities per year and a forecast for the future)
3. **Marine, garden and forestry machinery applications**

Comments (comment 3533 and 3535) were received proposing derogations for specific uses in marine, garden and forestry machinery. In response to these comments, the Dossier Submitter has proposed a derogation for relevant spare parts in these sectors in the proposed restriction.

However, for a complete evaluation of this derogation further information is needed on:

1. Additional information on specific uses and emissions Dechlorane Plus in marine, garden and forestry machinery applications, with a particular emphasis on use in spare parts (including overall quantities per year and a forecast for the future). Please specify clearly the specific equipment or parts of the equipment that use Dechlorane plus. Please provide an estimate of the quantities of Dechlorane plus used per year in specific uses and a forecast for use quantities in the future (ideally per year) in the event that a derogation is included in the conditions of the restriction.
2. Suggested wording for a possible derogation such that it covers the necessary uses and only those uses, including the duration for any specific uses.

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| 982 | Date/Time:  2022/04/20 02:36  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Japan Auto Parts Industries Association(JAPIA)  Org. country:  Japan  Attachment: | General Comments:  The Japan Auto Parts Industries Association (JAPIA) was established in August 1969 as a “public interest incorporated association” aimed at working to promote the auto parts industry of Japan. Since its reorganization in December 2011 as a “general incorporated association”, JAPIA has been engaging in various activities for the further development of the industry.  For automobile safety and comfortable driving, the high quality of each automobile part is a great contribution. The environmental situation in the auto parts industries ran into unprecedented difficulties such as structural change, promotion of international corporations, etc. However, JAPIA actively makes an effort towards these problems together with JAPIA member companies.  The number of Japanese Automotive Suppliers are 6,700 companies with 686,000 people directly employed. The yearly sales is 290.2 billion euros. Automobile industries accounts for 17.5% of the total manufacturing shipment value in Japan. Automobile parts account for more than 50% of total automobile industry shipment value and half of them are from JAPIA member companies.  JAPIA agree with the restriction of DP, but there are suggestions and concerns about following schedule of restriction and some exemption. |
| Specific information 3:  i. Expansion of the scope of exemption for spare parts Japan Auto Parts Industries Association (JAPIA) hereby express gratitude to include land-based vehicles in the definition of the Motor vehicle as defined in the exemption option of spare parts. However, same parts as automobiles are used for some agricultural and construction machineries (such as cranes) and it is not possible to determine whether they fall under the current exemption items for spare parts. If these are not exempted, it is conceivable that the inability to provide their spare parts will give the disadvantage to user that repairs cannot be conduct. Therefore, we propose to add agriculture and construction to the scope of Section 6 of the draft restriction to make it “marine, garden, forestry, agriculture and construction” machinery. ii. Regarding PDAP resin - We do not have new information on production and share of PDAP resin containing DP in Europe. - In a comment to the first Annex XV report, we mentioned that PDAP resin containing DP need permanent exemption but, according to the subsequent survey, it was found that the high tracking performance that is a characteristic of PDAP resin can be maintained by replacing it with another compound which has flame retardancy. - We are working on the development of alternatives for PDAP resins used in automobiles and we do not require permanent exemption to PDAP resin. - We think that it is necessary to reduce waste by setting a suitable deadline that is exemption of spare parts because we have articles which were produced already. - Regarding the alternative of PDAP resin containing DP, we think that it takes 36 months (Until 2026) after the development alternative material because it is necessary to consider evaluation of parts and getting the approval from automobile manufactures. |
| SEAC Rapporteurs response:  Thank you for your comment. SEAC considers that the current definition of “motor vehicles” is sufficient. Among other things, it includes both “agriculture vehicles and industrial trucks” as examples of motor vehicles. However, we will specifically add ‘construction vehicles’ to the illustrative examples in the opinion.  SEAC welcomes the shortened phase-out period for PDAP resin but would have needed additional details related to the development and implementation of the substitution process. Therefore, there is no relevant information to change our assessment that a derogation for PDAP resins is not justified. |

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| 983 | Date/Time:  2022/05/15 14:43  Type:  BehalfOfAnOrganisation  Org. type:  International NGO  Org. name:  ICOMIA Marine Engine Committee (IMEC)  Org. country:  Belgium  Attachment:    <redacted>  Privacy statement:  Confidentiality of this data was requested by submitters as it is deemed commercially sensitive | General Comments:  General comments to the proposed restriction were provided in IMEC comments and in a letter submitted to consultation in December 2021. We reierate the comments made.  Please find our answers to the specific questions the committee asks regarding uses of dichlorane in legacy spare parts (LSP) for marine power equipment in the recreational marine sector. |
| Specific information 4:  I. Specific uses of dechlorane plus in legacy spare parts (LSP) for marine power equipment Specific uses of dechlorane plus in articles, with estimated quantities present in LSPs are provided as business confidential information in annex 1 to this document. From this data, an estimation for the maximum amount of dechlorane plus in marine power equipment placed on the market in the EU in 2022 = 660 g Prediction for 2026 : maximum = 660 g Uses listed in annex 1 are as a flame retardant where dechlorane-plus is physically immobilized within the matrix of the article. The substance is not released during the service life of the article. Note: Many of the relevant LSPs were developed and manufactured some time ago and before information on substance use and amounts were communicated throughout the supply chain. Furthermore, the LSP business is often decentralized, with many thousands of independent companies integrated in supply chains. For this reason, the figures above and in confidential annex 1 are derived from estimations based on the experience of marine engine manufactures and their suppliers. II. Suggested wording for a derogation to cover essential uses in LSPs for marine power equipment used in the recreational marine sector In order to ensure that marine power equipment can be safely repaired and reused by customers, and line with the ‘repaired as produced’ principle enshrined in the EU RoHS Directive, we suggest the wording below : Spare parts for the repair, reuse, updating of functionalities and upgrading of capacity of marine power equipment placed on the market before (implementation date of this restriction)’are exempt from this restriction This amendment will bring substantial safety and environmental benefits and support a Circular economy as it will prolong the lifetime of existing products, prevent additional generation of waste and the unnecessary use of more raw materials. It will also optimise resources and additional costs from the re-design, re-testing and re-manufacturing of spare parts. |
| SEAC Rapporteurs response:  Thank you for your comments and information provided on the use and use quantities of Dechlorane Plus in legacy spare parts.  SEAC underlines how proposed the RO2 and RO3 (by implication) include a derogation for marine power equipment “for applications placed on the market before EIF + 18 months” including legacy spare parts.  SEAC recommended to revise the wording of any proposed derogation from “**marine machinery**” to **“marine power equipment**” in the proposed derogation under RO2 and RO3 to narrow the wording and to align it with the terminology used by the industry.  Thank you for your suggestion regarding the wording of the derogation for spare parts. However, your suggestion to include "the updating of functionalities and upgrading of the capacity of marine power equipment placed on the market" allows, in SEAC's view, spare parts in some way different from the originals, and that goes beyond what is the aim of the derogation. |

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| 984 | Date/Time:  2022/05/16 08:30  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Japan Electronics and Information Technology Industries Association (JEITA)  Org. country:  Japan  Attachment: | General Comments:  We, eleven Japanese electric and electronic industrial associations (please see separate paper for the detail) can basically support the gist of the proposal, especially the proposed threshold which is manageable and proportionate to the possible risk. We consider the proposals in the draft opinion have become better than those in the dossier, so we basically appreciate the improvement on this issue. The restriction on 1,6,7,8,9,14,15,16,17,17,18,18-Dodecachloropentacyclo [12.2.1.16,9.02,13.05,10] octadeca-7,15-diene (hereinafter, “Dechlorane Plus”?) is currently being discussed in the scheme of the Stockholm Convention. The world industry is now preparing the restriction based on the Convention. Especially, our products, electrical and electronic equipment, are made at the end of the global long and winding supply-chain, and chemicals are used at upstream in many cases. Therefore, we would like to propose some modifications to make the proposed restriction manageable for complex products in line with the global discussion. From the point of view above, we would be very happy if you consider the following opinions carefully.  (1) We basically support the gist of the proposals in the draft Opinion. Especially we welcome the proposed threshold which is manageable and proportionate to the possible risk. We believe this threshold should be maintained at least for the articles, even if the restriction on Dechlorane Plus is managed under the EU POPs Regulation in future.  According to the precedent of PFOA restriction, we suppose the proposed restriction may be managed under the EU POPs Regulation. In such case, we would like to ask the Commission to avoid the confusion relating to the change of the legal tool. In PFOA case, the Official Journal for changing regulation was published immediately before the date of entry into force of the restriction. In addition, the derogations were changed. It caused some confusion in the actual operations for compliance. Similar confusions should be avoided in advance.  In addition, we also welcome the newly-proposed conditions of Paragraph 3 of the restriction, which exclude articles placed on the market for the first time before the date of entry into force of the restriction. This would enable the old articles (both finished products and the parts) to be used, reused or recycled.  (2) Longer transitory period should be provided as transitory period before the restriction for some complex articles, at least such as Industrial machinery, Medical instruments and Analytical, Measuring, Testing, Monitoring Controlling equipment.  Justification: For this matter, Japan submitted the input in the “Form for submission of information specified in Annex F to the Stockholm Convention pursuant to Article 8 of the Convention” as follows: “(b) Alternatives (products and processes) (provide summary information and relevant references): (ii) Technical feasibility (underline is added by Japan 4EE): The feasibility of alternatives is still under investigation and has not been finalized yet, because the compatibility of flame retardancy, molding characteristics, and material properties is difficult in the usage of the following field of industries: Automobile (including motor cycles, agricultural machinery, and construction machinery), Railway, Industrial machinery (including Semiconductor manufacturing equipment, Automatic vending machinery, hydraulic equipment, Bearing, Machine tool, Electric and electronic equipment, Sewing machinery, Air-conditioning and Refrigerating equipment, Forming machinery, Die-casting machinery, etc.), Medical instrument, Analytical, Measuring, Testing, Monitoring Controlling equipment, Battery, Information and communication network equipment, Electronic information system, Lighting equipment, Home electronic appliance, Housing, Construction, Infrastructure equipment (including Wiring system, Gas alarming equipment, Gas and oil equipment, Heavy electric machinery, etc.), Material industry (Industry of chemical and related materials), Financial institution, Military industry, Aerospace industry, etc.” - End of quotation -  Draft opinion proposes some new derogations for medical imaging application, radiotherapy devices, aerospace and defence applications and their spare parts. We support them and consider that at least some product categories among the above, that is, Industrial machinery, Medical instrument and Analytical, Measuring, Testing, Monitoring Controlling equipment, would also need similar transitory period with those for the derogated products, because their parts are similar to those used in the medical application or others. The features of these products (both those derogated and those we mentioned) resemble to each other.  Such EEE is produced in small numbers for use over long periods without modification or changes; it has to be reliable and needs long-term test for reliability. Certificates and approvals are required for some of EEE for social infrastructures. These categories of EEE are typically replaced after 7-10 years or more from the release of the products. The respective supply chains are very long, and it takes time to eliminate restricted substances from them.  For the detailed explanation on the difficulties in changing a substance in a part, please see our previous input in “Comments submitted to date on restriction report” which can be downloaded from: https://echa.europa.eu/en/restrictions-under-consideration/-/substance-rev/63301/term (Our comments are listed in page 4 as “JEITA”.)  (3) The timing of starting restriction on Dechlorane Plus should be aligned to that in the global supply-chain under the POPs Regulation.  Currently, industries around the world are promoting the replacement of Dechlorane Plus in anticipation of their elimination under the Stockholm Convention. The draft risk management evaluation of the Stockholm Convention stated that if the Conference of the Parties were to agree in 2024 on listing Dechlorane Plus in the Convention, a global ban or regulation could at the earliest enter into force in 2024, while the EU regulation would at the earliest enter into force in 2023. Furthermore, we heard that the production of Dechlorane Plus itself is scheduled to end. However, with some parts already on the market, it is difficult to completely replace complex articles in the next 18 months. In view of the response situation in the global supply chain, it is requested that the restriction should not start earlier than the Stockholm Convention.  We would very much appreciate it if ECHA would well consider our input above. |
| SEAC Rapporteurs response:  Thank you for your comment.  Although, the submitted information outlines more clearly the complexity of articles for which the extension of the phase-out period is requested, it reiterates the information already presented during Annex XV consultation. Regrettably, the Dechlorane Plus requirements of use are missing, as are the use volumes involved and the respective emissions. Therefore, there is no substantial information to change the opinion conclusions.  The claims related to the timings and the articulation between the REACH restriction and POPs Regulation are out of the SEAC remit. |

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| 985 | Date/Time:  2022/05/16 11:01  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  ACEA - European Automobile Manufacturers' Association  Org. country:  Belgium  Attachment:  <redacted>  Privacy statement:  The protection of our commercial interests, including intellectual property, would be undermined. | General Comments:  ACEA appreciates the acknowledgement of the arguments for an exemption for the spare parts and likes to emphasize the importance of the requested derogation for our industry sector, also the implementation date to be linked to type approval prior to January 2026 for our full compliance.  Automotive industry has already started the investigation of its uses of Dechlorane Plus and is in the process of substituting the substance and aiming for a complete phase-out. However, it takes time for such complex products as explained in our comments which were provided in the previous consultation on Annex XV.  In consideration of the evaluation process, we assume that Dechlorane Plus restriction will enter into force in 2025 with the currently proposed transitional period of 18-month. However, we will require an additional year, i.e. till 2026 linked to type approval as we believe a phase-put of Dechlorane Plus could not occur before 2026 for vehicles already in production and for new models.  Please be reminded that type approval describes the process applied by national authorities to certify that a model of a vehicle meets all EU safety, environmental and conformity of production requirements before authorising it to be placed on the EU market. The manufacturer makes available about a dozen or more pre-production cars that are equal to the final product. These prototypes are used to test compliance with EU safety rules (installation of lights, braking performance, stability control, crash tests with dummies), noise and emissions limits as well as production requirements of individual parts and components, such as seats or steering wheel airbags. If all relevant requirements are met, the national authority delivers an EU vehicle type approval to the manufacturer authorising the sale of the vehicle type in the EU. Every vehicle produced is then accompanied by a certificate of conformity, in which the manufacturer certifies that the vehicle corresponds to the approved type. Having considered above process, we would like to repeat that the type approval date is more appropriate as a cut-off date for our industry than the placing on the market, not only for the industry but also for the market surveillance authority to enforce. This concept has already been incorporated into the EU End of Life Vehicle (ELV) Directive (2000/53/EC), in specific, for exemptions under Annex II. Your consideration would be highly appreciated and we would remain at the disposal for further questions. |
| Specific information 3:  Please see Section V. |
| SEAC Rapporteurs response:  Thank you for your comment. SEAC acknowledges the shortened phase-out period but would have needed additional details related to the development and implementation of the substitution process. Therefore, there is insufficient information to change our assessment related to a derogation for the motor vehicle sector.  Thank you for your comments and information provided on the use and use quantities of Dechlorane Plus in legacy spare parts. Such estimation points out the low use volumes of DP and therefore substantiates the SEAC recommendation for a derogation for the production of spare parts. |

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| 986 | Date/Time:  2022/05/16 11:22  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  ACEM - The Motorcycle Industry in Europe  Org. country:  Belgium  Attachment:  <redacted> | General Comments:  ACEM, the European Association of Motorcycle Manufacturers, is the trade association that represents manufacturers of powered-two and three-wheelers as well as quadricycles (L-category vehicles) in Europe. The membership of our Brussels-based organization includes 17 manufacturing companies and 17 national industry associations active in 14 European countries. Together these companies provide around 90% of the European market’s demand. About 300,000 jobs depend on the motorcycle, moped, tricycle and quadricycle industry in Europe. ACEM works closely with the EU institutions, as well as with a wide range of stakeholders, in different policy-areas. These include type-approval of L-category vehicles, road safety and transport policies, international trade negotiations, and of course environmental and health matters, including REACH related topics. As part of its ordinary working process, ACEM teamed up and aligned with ACEA (European Automotive Manufacturers Association) to express concerns on draft restriction proposal of Dechlorane Plus which has been an important and widely, i.e. not only in EU but also in other regions such as Asia, US, used flame retardant and seizure resistant to our industry. ACEM appreciates the acknowledgement of the arguments for an exemption for the spare parts, however, would like to request again to consider a sufficient lead time for the implementation of the restriction and its link to type-approval/certification.  So as automotive industry, motorcycle industry has already started the investigation of its uses of Dechlorane Plus and is in the process of substituting the substance and aiming for a complete phase-out by 2026. In consideration of the current evaluation process, we assume that Dechlorane Plus restriction will enter into force in 2025, however it will not be sufficient for such complex products, and we will require an additional year, i.e. 2026 linked to type approval/certification as we believe a phase-put of Dechlorane Plus could not occur before 2026 for motorcycles already in production and for new models.  Thank you in advance for considering our comments as part of your assessment. We remain at your disposal should you need further information. |
| SEAC Rapporteurs response:  Thank you for your comments (please see our reply to the comment #986). |

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| 987 | Date/Time:  2022/05/16 11:34  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Japan Agricultural Machinery Manufacturers Association  Org. country:  Japan | General Comments:  Thank you for giving us the opportunity to submit our final comments. We think it is unavoidable that “Dechlorane Plus” will be regulated. However, we would like you to take into consideration the following transition period. - Parts (except PDAP resin) for current model: 7 years - PDAP resin: Subject to indefinite application (requiring permanent exemption) - Spare parts for past model: Impossible (requiring permanent exemption) We are looking forward to your generous consideration. |
| SEAC Rapporteurs response:  Thank you for your comment. The information provided reiterates information provided in the consultation on the Annex XV report and does not justify any changes in SEAC conclusions. |

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| 988 | Date/Time:  2022/05/16 11:35  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  AeroSpace and Defence Industries Association of Europe (ASD)  Org. country:  Belgium  Attachment: | General Comments:  ASD thanks ECHA and SEAC for this opportunity to submit comments which are included in the document uploaded at the end of this consultation. |
| Specific information 1:  Please find our comments in the document uploaded at the end of this consultation |
| SEAC Rapporteurs response:  Thank you for your comment. The information provided reiterates information provided in the consultation on the Annex XV report and does not justify any changes in SEAC conclusions.  In SEAC's view, the paragraph 4 wording is clear. However, it is worth mentioning, that the most appropriate legal wording of the derogation is dealt by the Commission in further stages of the restriction process.  The claims related to the timings and the articulation between the REACH restriction and POPs Regulation are out of the SEAC remit. |

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| 989 | Date/Time:  2022/05/16 14:48  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Japan Business Council in Europe(JBCE)  Org. country:  Belgium  Attachment: | General Comments:  Being a cross-sector association with member companies operating in different industries and stages in the supply chain, JBCE welcomes the opportunity to contribute to the consultation on the SEAC draft opinion on the REACH restriction proposal to 1,6,7,8,9,14,15,16,17,17,18,18-Dodecachloropentacyclo[12.2.1.16,9.02,13.05,10]octadeca-7,15-diene (hereinafter “Dechlorane Plus”).  JBCE strongly supports EU REACH Regulation (EC) No 1907/2006 and its objective to protect the environment and human health. At the same time, we also greatly support a risk assessment approach with regard to the use of chemical substances.  A, Spare parts for EEE should be exempted.  JBCE is very concerned that the proposal does not exempt spare parts for electrical and electronic equipment (EEE) placed on the market. Without a spare part derogation, the following negative consequences will be the result: - EEE already on the market and in use cannot be repaired (or upgraded); not only does this mean making EEE lifetime extension impossible, but this also will result in an increase of waste EEE. This fundamentally contradicts the European Green Deal and Circular Economy Action Plan objectives, as well as the forthcoming “right to repair”. - Current and future EU eco-design material efficiency requirements demand that manufacturers to provide spare parts capacity for 7 to 10 years after last placing on the market of a model. This requirement cannot be fulfilled after a sunset date. - Companies will place more spare parts in stock before the sunset date as a future reserve. As a consequence, the amount of Dechlorane Plus placed on the EU market will increase. The part of this stock that is not used for repair, will become waste.  Furthermore, it is not straightforward and not always possible to substitute spare parts with new Dechlorane Plus-free spare parts. When substituting spare parts, it is necessary to test whether the performance, durability and safety of the whole device are ensured. This process of testing cannot be followed with regard to old EEE, which is no longer produced.  Therefore, JBCE suggests adding a new exemption for spare parts for EEE for its repair, its reuse, updating of its functionalities and upgrading of its capacity of equipment placed on the market before [implementation date of this restriction] which is in line with “repair as produced” principle of the RoHS Directive. This exemption will bring substantial benefits to the environment and users in EU. It will enable users to prolong the lifetime of their products instead of purchasing new one. Product safety and performance, as well as product lifetime extension, will be guaranteed by the availability of relevant spare parts. It will prevent unnecessary waste EEE and unnecessary use of raw materials. It also will reduce the amount of Dechlorane Plus which will be placed on the EU market as reserve spare parts.  Importantly, special attention should be paid to the case of the long-life Products such as:  1. Heating, ventilation, and air conditioning (HVACR) and Technical Building Systems (TBS) HVACR/TBS have lifetimes that are significantly longer than those for consumer electronics as such they can be considered to be “long-lived electrical and electronic equipment” for which a spare parts exemption is justifiable. Ample evidence on the lifetimes of HVACR/TBS is available in the Ecodesign preparatory and review studies for HVACR/TBS product groups, conducted by the European Commission. For example, the average lifetime of air conditioners are 10 to 20 years. “Right to repair” for these products should be guaranteed.  2. Monitoring and Control Instruments and medical devices (other than medical imaging application and radiotherapy devices) Product lifetime of Monitoring and Control Instruments and medical devices are much longer than consumer products and may be used for 20 to 30 years. These products are safety critical, so severe testing is necessary to substitute spare parts. “Right to repair” for these products should be guaranteed.  3. Other EEE The EEE such as power supplies, circuit boards, cables, electric displays, connectors, solenoid valves, also contain fire retardant. Since these EEE are being used as common electrical components, it could be difficult to distinguish between consumer electronics and the above systems applications. Considering the industrial structure and the long and extensive supply chains, we would like to propose that spare parts for EEE should be granted an exemption of at least 10 years.  B. Longer transitional period for EEE  Longer transition periods are required especially for products with long lifetimes, as listed above. A shorter transition period could hinder these products from being placed on the EU market, which could have negative impact on healthcare, heating and cooling critical infrastructure, analysis of hazardous chemicals, research and development, innovation in EU. - Long product development time: These products are often safety critical, and thus high reliability must be ensured. Some products need to be re-certificated by a Notified Body. Therefore, the product development time is long. According to the ERA report, the new product development time is over 4 years and can be 7 years or longer. - Use of „life-time-buy” components for EEE with long lifetime: Manufactures are often forced to buy sufficient components to last the life of their products before these components become unavailable on the market because of technical difficulty and high cost of re-design with new components. If the transition period is too short, these components will become waste. - Complex and multi-tiered supply chain: EEE are complex articles and related supply chains are not only global but multitiered (i.e. 5 tiers). Sufficient time is necessary for the supply chain to substitute Dechlorane Plus.  Based on the above-mentioned facts and arguments, JBCE suggests adding a new exemption for - manufacture, use and placing on the market of at least 7 years for HVACR, Technical Building Systems, Monitoring and Control Instruments and Medical Devices - manufacture, use and placing on the market of at least 5 years for other EEE  End |
| SEAC Rapporteurs response:  Thank you for your comments and for providing additional information related to a derogation for long-life EEE products and respective spare parts. However, there is no additional information on the technical requirements of alternatives, the use volumes for such EEEs and emissions related to these. Therefore, no substantial evidence was received to change the opinion. (Please see our reply to comment #984) |

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| 990 | Date/Time:  2022/05/16 23:56  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  EGMF - European Garden Machinery industry Federation  Org. country:  Belgium  Attachment: | General Comments:  These substances are used to various applications in garden and outdoor power equipment, such as wire harness, adhesive, tape and grease. Their main functions are flame retardance and seizure resistance. They are widely used not only in the EU but also in other regions such as in Asia and in the USA. Until appropriate substitutes are found, these substances remain critical to guarantee the durability and safety of our equipment.  Therefore, we aim to share our key observations and asks on the restriction proposal: • To further assess the impact of the proposed restriction on specific types of machinery • To grant exemptions for applications and equipment where no appropriate substitute is available, including outdoor power equipment, as well as for spare parts to ensure that products could be repaired and reused and to provide safety products to consumers • To have sufficient time (7 years) to develop and test alternative substances, as other substances do not offer similar properties, thus not ensuring the necessary safety and durability of equipment. |
| Specific information 4:  These substances are used to various applications in garden and outdoor power equipment, such as wire harness, adhesive, tape and grease. Their main functions are flame retardance and seizure resistance. They are widely used not only in the EU but also in other regions such as in Asia and in the USA. Until appropriate substitutes are found, these substances remain critical to guarantee the durability and safety of our equipment. Therefore, we aim to share our key observations and asks on the restriction proposal: • To further assess the impact of the proposed restriction on specific types of machinery • To grant exemptions for applications and equipment where no appropriate substitute is available, including outdoor power equipment, as well as for spare parts to ensure that products could be repaired and reused and to provide safety products to consumers • To have sufficient time (7 years) to develop and test alternative substances, as other substances do not offer similar properties, thus not ensuring the necessary safety and durability of equipment. |
| SEAC Rapporteurs response:  Thank you for your comment. The information provided reiterates information provided in the consultation on the Annex XV report.  SEAC recommended to revise the terminology “garden and forestry machinery” to “garden, forestry and outdoor power equipment” in the derogation proposed under RO2 and RO3, in order to align the wording more closely with the uses described by the industry. |