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

**Specific information requests:**

1. Any further information on uses of Dechlorane Plus as a flame retardant in adhesives/sealants and polymers or as an extreme pressure additive in greases in the automotive sector, the aviation sector, electrical and electronic equipment and fireworks but also in electrical batteries and accumulators, fabrics, textiles and apparels, and plastic articles. Although the above uses have been reported as identified uses, very limited information was collected during the consultation that took place during the preparation of the restriction proposal. Relevant information could include, amounts currently used, site-specific emission data (associated with manufacture, service-life or end-of-life), and any impacts (costs and benefits to society) of the proposed restriction on these uses (in line with the elements of a socio-economic analysis (SEA) as outlined Annex XVI of REACH).
2. Information on chemical and non-chemical alternatives to Dechlorane Plus when used as a flame retardant or as an extreme pressure agent. In particular information on any specific technical criteria relevant to specific uses that could not be fulfilled by the listed alternatives or by other flame retardants or lubricants.
3. Information on actual concentration of Dechlorane Plus in recycled materials (or as impurity in substances and mixtures) and information on how recycling (especially of plastic materials) could potentially be affected by the proposed restriction.

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| Ref. | Date/Type/Org. | Comments |
| 3332 | Date:  2021/07/08 07:10  Content:  Scope or restriction option analysis  Description of analytical methods  Information on alternatives  Information on benefits  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Japan Auto Parts Industries Association  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. |
| Answer to specific info request 1:  As stated in the ANNEX XV Restriction report, the Automotive Industry is the largest user of “Dechlorane Plus”. The main applications of “Dechlorane Plus” used in vehicle\* parts can be found in the following 4 categories. - Wire harness, adhesive, tape and ‘diallyl phthalate prepolymer’ \*: vehicle includes automobile, construction, machinery, agriculture and so on |
| Dossier submitter response:  Thank you for the response and for providing further information on the use, availability of alternatives and need for exemptions in the automotive industry. The information provided is mostly in line with the assumptions made in the restriction dossier, albeit some differences have been noted.     * Previously provided information by the automotive industry (ACEA, CLEPA and JAPIA) indicated that the industry used ~50% of the total DP volume, i.e. 500 t/y. The Dossier Submitter has noted that this has been updated to 700t/y, which will be incorporated into the Background document. * We expect that the statement on p.2 "Concentrations of "Dechlorane Plus" in the final products are very small amount (less than 0.1%) in final products." refers to the vehicle in itself and not to mixtures or articles as defined in REACH, as this contradicts other information in JAPIA's submission and information that was received during the stakeholder consultation. * It is noted that the suitability of the alternative flame retardants assessed in the restriction proposal should be discussed with the upstream market and not with downstream users such as JAPIA. It is further noted that some of JAPIA member companies have already started switching to inorganic flame retardants. * It is unclear from the comment whether DP may be substituted in PDAP resin or not. In the submission it is stated that “we need two years to develop materials and three years to evaluate customers because of evaluating materials and parts in each tiers and OEMs, for a total of five years”, whilst it is later claimed that an “permanent exemption” is needed for this material.   To fully assess the information, we would kindly request JAPIA to provide some additional information on the following:   * It is mentioned that Japan manufactures 200 tonnes of Dechlorane Plus (DP) per year. Information received during the restriction proposal development indicated that there was only one manufacturer, ADAMA Agriculture BV, and only one production site located in China. Can you please confirm that manufacture of DP occurs in Japan, and if possible, also provide the supplier’s name? * JAPIA states that, on average, each manufactured car contains 200-300 gram DP, but that this number includes the weight of the resin containing Dechlorane Plus. As described in the restriction dossier, previous information from the European Automobile Manufacturers’ Association indicated that each car contains between 2 and 35 g of DP, and that the automotive industry consumed between 68 to 130 tonnes of DP in 2020. * Any available information on R&D carried out between DP was identified as an SVHC in 2018 and to date. This should include any alternatives assessed and information on why they could not be applied in applications in question. * Justification for why the time to substitute has increased from ~5 years (information provided by the automotive industry in the stakeholder consultation) to ~7 years for general applications. * Justification for why a “*permanent exemption*” is needed, if substitution takes 5 years.   Lastly, we would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Hence, we disagree with your statement that there is no indication of adverse effects from DP. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  The Dossier Submitter notes that ECHA sent additional questions to JAPIA on 18 October 2021 requesting supporting information to the initial comments received on 8 July 2021. Please also see our response to the additional information submitted by JAPIA in comment #3527. |
| RAC Rapporteurs comments:  Thanks for this comment and your comment #3527. Unfortunately, for both comments the scientific background and scientific argumentation is missing concerning “no evidence of adverse effects to human health or the environment has been established for Dechlorane Plus. There is also no indication of adverse effects.” As Dechlorane Plus has been scientifically proven to be very persistent and very bioaccumulative in the environment RAC is interested in how OCs and RMMs can minimise the emissions of this substance of very high concern (SVHC) in compliance with REACH Annex I section 6.5. Furthermore, no data or information is given by the JAPIA how much emission into the environment the requested derogations and exemptions will cause in the future.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comments and for providing further information on the use, availability of alternatives and the current use scenario of DP in the Japanese automotive industry. It was noted that several companies have already switched from DP to alternatives, and the use volumes of DP by European companies is lower than the use volumes of Japanese companies of the same sector. Therefore, it is not clear for SEAC the availability of technically feasible alternatives for the industries you represent. It was also noted that several companies need to substitute other brominated-based flame retardants, which cannot be considered as a consequence of the current restriction. SEAC rapporteurs note the lack of information on the specific uses for which a derogation would be justified to complete the substitution and related use volumes and emissions. |

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| 3352 | Date:  2021/07/26 11:28  Content:  Scope or restriction option analysis  Information on alternatives  Other socio economic analysis (SEA) issues  Transitional period  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  COCIR  Org. country:  Belgium  Attachment: | General Comments:  COCIR represent companies producing medical imaging (MRI, CT, X-ray, PET , SPECT, Ultrasound and combined modalities) and radiotherapy devices (Linacs, Brachythrapy, Radiosurgery, Particle therapy). Most of such devices weight 5 to 10 tons on average (up to hundreds), have 15-20+ years long life and contains hundreds of thousands of components (and millions of articles).  DP was added to the candidate list in 2018. So far, several applications of DP have been identified, covering hundreds of parts used in medical imaging devices. A more detailed analysis of the uses will be submitted later on during the consultation.  Nonetheless, the complexity of the involved technology (MRI, CT, Beam/particle Therapy, X-ray, etc) also implies that some applications of the targeted substances may be discovered at a later stage and substitution might turn out to be not possible in a short period of time.  As medical devices can be used for 10 to 20 years, it is essential such devices can be repaired to avoid downtimes that will prevent patients from getting their exams. The “repair as produced” principle enshrined in the RoHS Directive and internationally recognized, should be included in the Dechlorane restriction. |
| Answer to specific info request 1:  Information on uses will be provided later on before the end of the consultation as they are now under investigation. |
| **Dossier submitter response:**  Thank you for your comment. The use of DP in medical imaging and radiotherapy devices was not identified during the preparation of the restriction proposal, and we appreciate you coming forward with information on this use. The Dossier Submitter has noted:   * The full range of uses of DP in medical devices is currently unknown. * A minimum of additional 5-7 years after the entry into force for other sectors is needed for substitution, however, there may be some uses for which substitution is not achievable. * A time-unlimited derogation is requested for repair, maintenance and expansion of medical devices is included in the wording of the restriction, re-instating the “repaired as produced” principle. * Due to the high adverse impacts on human health and the EU healthcare sector, a derogation as an ‘essential’ sector is advised by COCIR.   This and any information submitted later in the consultation will be assessed, and the Background document will be updated to reflect the information provided. We acknowledge that medical imaging and radiotherapy devices are important for the functioning of the society, which we will take into account for the revisions of the Background document.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information. We therefore appreciate that COCIR tracks the use of DP along the supply chain by companies, and welcome COCIR's intention of submitting more detailed analysis of the uses of DP in medical imaging and radiotherapy devices. In order to fully assess the information, we would kindly request that an indicative estimate of volume DP used in the sector is provided alongside more detailed information on the product longevity of these devices.  The Dossier Submitter notes that ECHA sent additional questions to COCIR on 18 October 2021 requesting supporting information to the initial comments received on 26 July 2021. Please also see our response to the additional information submitted by COCIR in comment #3537. |
| RAC Rapporteurs comments:  Thanks for this comment. RAC notes, that Dechlorane Plus, since it has been identified as SVHC in 2018, has been added to your own internal “list of regulated/declarable substances and has been tracked along the supply chain by companies”. Although this process is ongoing since over three years, you assume that “some applications of Dechlorane Plus may be discovered at a later stage”. RAC notes that “the applications of DP in the medical technology sector are not fully known today”. Unfortunately, in your comment you do not give any data nor any information how it is possible to implement OCs and RMMs to minimise the emission of this substance of very high concern (SVHC) if the application of Dechlorane Plus is still not known. Also, no data or information is given by the COCIR how much emission into the environment the requested derogations and exemptions will cause in the future.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comment #3537. |

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| 3353 | Date:  2021/07/27 15:48  Content:  Scope or restriction option analysis  Information on alternatives  Information on benefits  Other socio economic analysis (SEA) issues  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  AeroSpace and Defence Industries Association of Europe (ASD)  Org. country:  Belgium  Attachment: | General Comments:  Information on the elements selected above are included in the non-confidential attachment |
| Answer to specific info request 1:  Information is provided in the non-confidential attachment |
| Answer to specific info request 2:  Information is provided in the non-confidential attachment |
| **Dossier submitter response:**  Thank you for your comment and the information provided. The Dossier Submitter has noted that the volumes used in A&D applications (lower end of 1-10t) could be lower than that assumed in the restriction proposal (~20t) and that more specific information on the use areas of DP within the aerospace and defence sector is provided. This will be updated in the Background document.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  It is further noted that the impacts of no derogation for A&D applications will be comparable to that estimated in the Application for Authorisation for the use of Octyl Phenol Ethoxylate (OPE).  In its submission ASD requests a time-unlimited derogation for all applications within the A&D industry. It is noted that, generally, the time to switch to alternatives is long within the A&D industry, due to the stringent regulations it needs to adhere to. However, information provided during the stakeholder consultation indicates that alternatives will likely become available (at least for some uses), within ~5 years. In order to fully assess the information submitted by ASD, we therefore kindly request that further information is provided on:   * Which specific applications of DP within the A&D sector will need a transition period beyond 5 years; * How long time is needed for each of these applications; and * Why a longer time is needed for these applications.   The Dossier Submitter notes that ECHA sent additional questions to ASD on 18 October 2021 requesting supporting information to the initial comments received on 27 July 2021. Please also see our response to this additional information submitted by ASD in comment #3531. |
| RAC Rapporteurs comments:  Thanks for this comment (see also comment #3355). RAC notes that, although Dechlorane Plus has been added to the list of substances of very high concern (SVHC), the Candidate List for authorisation, you are still working to gather data in order to validate the volumes of DP used in A&D products and processes in the EEA. RAC welcomes that OEMs (original equipment manufacturers) are working to remove DP as soon as feasible. Unfortunately, you do not provide any data or information on use volumes, on OCs and RMMs to minimise the emission of this substance of very high concern (SVHC) and how much emission into the environment the requested derogations and exemptions will cause in the future.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comment #3531. |

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| 3354 | Date:  2021/07/28 03:43  Content:  Transitional period  Request for exemption  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 can basically support the gist of the proposal, especially the proposed threshold which is manageable and proportionate to the possible risk. However, 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 modification to make the proposed restriction manageable for complicated products having relatively long useful-life.  (1) At least 36 months should be provided as transitory period before the restriction for complicated articles such as electric and electronic equipment. Products with longer design cycle, such as production machinery and infrastructure equipment, would need much longer transitory period. Justification: The proposed restriction covers an industrial chemical currently used. In such cases, based on the experience of compliance with the RoHS Directive, a period of at least three to four years is necessary to implement substitution in the article. Please note that products with longer design cycle, such as production machinery and infrastructure equipment, would need much longer transitory period.  (2) Derogation for spare parts for old products should be set. A general exemption of spare parts without expiry date would be indispensable for complex articles to extend their useful life, if their original products are placed on EU market before the requirement comes into force. Proposed derogation: Paragraph 2(c) shall not apply to spare parts for the repair and the reuse of the articles (or electric or electronic equipment) already placed on the EU market before the date referred to in paragraph 2 [36 months from entry into force of the regulation]. Justification: We believe that the procedures to make it possible to use the spare parts and recycled materials should be established from the view-point of circular economy. Availability of spare part must be secured to establish circular economy. Complex products such as EEE need spare parts same as those used in the first production of each product, because changing a part is not simple a procedure as shown below. Especially when the sale of a product model is discontinued, only old spare parts produced before the restriction would be available for such model. If EEE cannot have spare parts as produced, the EEE will not be able to be repaired and then it might shorten its lifetime and abandoned earlier than its intended lifetime.  (3) Derogation for articles already placed on the market before implementing the restriction should be provided. With such derogation, used, repaired or refurbished products would be able to be used after the restriction without problems. Proposed derogation: Paragraph 2(c) shall not apply to articles already placed on the EU market before the date referred to in paragraph 2 [36 months from entry into force of the regulation].  Justification: After its service life some Electrical and Electronic Equipment is refurbished and sold again. In the light of the ambition for a circular economy, the re-use of products is one of the most effective measures. The current wording of the proposed restriction prohibits the refurbishment and sales of older product. A general restriction on articles with Dechlorane Plus would make it impossible to be certain about compliance for refurbished products. We will not be able to refurbish products in the future and will be forced to dispose of them. We therefore ask for a derogation for articles already placed on the market before entry into force of the restriction. |
| **Dossier submitter response:**  Thank you for your comments and the support for the proposed restriction and threshold for DP. Please also see our responses to comments #3356, 3390 and 3536.  The Dossier Submitter has noted that JEITA requests:   * A 3-year transition period for all EEE articles; * ~7-10 years to substitute DP in ‘EEE for social infrastructure’; * A time-unlimited derogation for spare parts; and * A time-unlimited derogation for reuse and recycling.   As shown in the restriction dossier, recycling is believed to be one of the largest contributors to emissions of DP to the environment. If a derogation for recycling is to be recommended, we would need to know more about the emissions anticipated from these activities, what measures are/will be put in place to minimise these emissions as well as the specific concentration threshold needed to maintain recycling activities. No specific derogation for recycling has been proposed in the restriction dossier, as there is no information that the use of the recycled material is limited to clearly defined applications where there is no negative impact on consumer health and the environment, and where the use of recycled material compared to virgin material is justified. In order to meaningfully assess a need to derogate articles and/or mixtures for recycling, quantitative information is necessary on why the 0.1% limit is not appropriate.  When scrutinising these requests, we suggested that further information was provided on:   * R&D undertaken on alternatives so far, including alternatives assessed, the remaining steps needed for successful substitution and the respective timeline. * Threshold needed to ensure the continuation of recycling of EEE articles.   The Dossier Submitter notes that ECHA sent additional questions to JEITA on 18 October 2021 requesting supporting information to the initial comments received on 28 July 2021, without receiving response.  The Dossier Submitter also refer to the information received in comment #3398 from the plastic recycling industry confirming that a concentration limit of 0.1% will not affect the recycling industry while preventing the intentional use of the substance. This information supports the information already included in the Background document and the Dossier Submitter therefore sees no grounds to justify any derogations from the proposed restriction when it comes to recycling.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  The Dossier Submitter does not support any general derogations for electrical and electronic equipment as it may represent a significant source of emissions of DP to the environment. Further information can be submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  Thanks for your comment. While you state that Dechlorane Plus is an industrial chemical currently used it remains unclear how these uses are in compliance with REACH Annex I 6.5 and the obligation to implement and recommend risk management measures which minimise exposures and emissions to humans and the environment, throughout the lifecycle of the substance that results from manufacture or identified uses. Unfortunately, you do not provide any data or information on use volumes, on OCs and RMMs to minimise the emission of this substance of very high concern (SVHC) and how much emission into the environment the requested derogations and exemptions will cause in the future.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comments and your support. SEAC notes your claims for different transition periods extensions, according to the complexity of the equipment, as well as a derogation for spare parts and reuse and recycling. However, SEAC also notes that currently, there are alternatives for several uses. Therefore, a general derogation for EEE has to be grounded on more detailed information on what are the specific uses where DP cannot be substituted, the ongoing substitutions plans, the DP’s use volumes allocated to those uses and its contribution to the emissions.  Regarding the spare parts, in SEAC view, remain unclear the ground for a claim of a time-unlimited general derogation for EEE spare parts. As for several products or components, it seems that there are likely already alternatives in the market.  SEAC agree with the Dossier Submitter comments related to materials recycling.  SEAC highlight that the current proposal do not cover EEE already in the market before the EiF of the restriction. |

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| 3355 | Date:  2021/07/28 18:37  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Raytheon Technologies (RTX)  Org. country:  Belgium  Attachment: | General Comments:  Raytheon Technologies (NYSE: RTX) is an aerospace and defence company that provides advanced systems and services for commercial, military and government customers worldwide. RTX was formed in 2020 through the combination of Raytheon Company and the United Technologies Corporation's aerospace businesses. Raytheon Technologies (www.rtx.com) consists of four highly specialized businesses: (1) Collins Aerospace; (2) Pratt & Whitney; (3) Raytheon Intelligence & Space; and (4) Raytheon Missiles & Defense. RTX employs 190.000 people worldwide, of which more than 20.000 in 22 European countries. RTX has contributed to the comments submitted by the European AeroSpace and Defence Industries Association (ASD) as part of this public consultation on Dechlorane Plus (DP) and fully supports those ASD comments. For your convenience, we attached the ASD paper in Section IV below. |
| **Dossier submitter response:**  Thank you for your comment and submitted information. Please see our response to the AeroSpace and Defence Industries Association (ASD) in comments #3353 and 3531. |
| RAC Rapporteurs comments:  Thank you for this comment (see also comment #3353) and especially for providing volumes of Dechlorane Plus used in aerospace and defence in the EEA. RAC notes that, although Dechlorane Plus has been added already in 2018 to the list of substances of very high concern (SVHC), the Candidate List for authorisation, you are still working to gather data in order to validate the volumes of DP used in A&D products and processes in the EEA. RAC welcomes that OEMs (original equipment manufacturers) are working to remove DP as soon as feasible. To RAC it remains unclear if the SDS take the vPvB properties of Dechlorane Plus into account and if the SDS supports the minimisation of emissions also at the end of the life cycle and in the waste stage.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comment #3531. |

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| 3356 | Date:  2021/07/28 23:33  Content:  Scope or restriction option analysis  Information on alternatives  Other socio economic analysis (SEA) issues  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Fédération des Industries Electriques, Electroniques et de Communication  Org. country:  France | General Comments:  In the electrical equipment sector, Dechlorane Plus (DP) is used in wires combined with a thermal protector to withstand high temperatures imposed by the normative requirements. This substance has been added to the Candidate list on 15th January 2018. Due to these delays, to date companies using Dechlorane Plus have not been able to : - Initiate and finalise substitution procedures with their suppliers for all their products; - Assess whether potential alternatives could meet their requirements; - Implement the necessary changes on their products and processes; - Carry out the tests necessary for the placing of CE mark, including laboratory tests. Any change to a safety feature in electrical and electronical equipment (EEE) or components requires to ensure that the alternative solution does not negatively impact other safety parameters for users. The necessary development processes require a sufficiently long period, which we estimate at five years. Our sector faces long lifetimes and high reliability and safety requirements on equipments. The availability of spare parts is essential to guarantee longer product lifetimes, prevent waste generation earlier than necessary and preserve a sufficient level of performance over the products lifetimes. To extend the lifetime of products by way of repair represent a core element of EU’s resource efficiency policies, EU waste treatment hierarchy and has recently been encouraged by the Commission implementing regulation (EU) 2021/876 of 31 May 2021 laying down rules for the application of Regulation (EC) No 1907/2006 as regards applications for authorisation and review reports for the uses of substances in the production of legacy spare parts and in the repair of articles and complex products no longer produced and amending Regulation (EC) No 340/2008. Furthermore, our sector faces increasing requirements regarding the incorporation of recycled content in new products and obligations of public buyers to purchase an increasing rate of products that have been reused, repaired or that incorporate recycled materials. For all of the above reasons: - A transitional period of at least five years' duration will be necessary to implement the proposed restriction of Dechlorane Plus for electrical and electronic equipment (EEE); - A derogation for spare parts for existing EEE during their lifetime must be considered to prevent any inconsistency between separated regulations and waste generation; - A derogatory concentration threshold for products containing DP in recycled material must be considered, for uses that do not pose a risk to human health or the environment, to prevent any inconsistency between separated regulations and limit the possibilities of integrating recycled materials. |
| **Dossier submitter response:**  Thank you for your comments. Please also see our responses to comments #3354, 3390 and 3536.  The Dossier Submitter has noted that Fédération des Industries Electriques, Electroniques et de Communication requests:   * A 5-year transition period for all EEE articles; * A time-unlimited derogation for spare parts; and * A higher threshold for reuse and recycling.   No specific derogation for recycling has been proposed in the restriction dossier, as there is no information that the use of the recycled material is limited to clearly defined applications where there is no negative impact on consumer health and the environment, and where the use of recycled material compared to virgin material is justified. In order to meaningfully assess a need to derogate articles and/or mixtures for recycling, quantitative information is necessary on why the 0.1% limit is not appropriate.  Further, more information would be needed on:   * Indicative volumes of DP used in the EEE industry; * Information on R&D that has been undertaken since the identification of DP as an SVHC (2018) until today, including alternatives assessed. * Justification for why a 5-year transition period is needed, including a detailed substitution timeline; * Threshold needed to ensure the continuation of recycling of EEE articles. * Estimated volumes and use areas of DP in spare parts for EEE articles.   The Dossier Submitter also refer to the information received in comment #3398 from the plastic recycling industry confirming that a concentration limit of 0.1% will not affect the recycling industry while preventing the intentional use of the substance. This information supports the information already included in the Background document and the Dossier Submitter therefore sees no grounds to justify any derogations or higher thresholds related to recycling.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  The Dossier Submitter does not support any general derogations for electrical and electronic equipment as it may represent a significant source of emissions of DP to the environment. Further information can be submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  Thanks for your comment. To RAC it remains unclear how these uses are in compliance with REACH Annex I 6.5 and the obligation to implement and recommend *risk management measures which minimise exposures and emissions to humans and the environment, throughout the lifecycle of the substance that results from manufacture or identified uses.* RAC notes, that while a longer transitional period and derogations are requested no data and no information on use volumes, on OCs and RMMs to minimise the emission of this substance of very high concern (SVHC) and how much emission into the environment the requested longer transitional period and derogation will cause in the future has been provided.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to the AeroSpace and Defence Industries Association (ASD) in comment #3354. |

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| 3390 | Date:  2021/09/14 14:34  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  DIGITALEUROPE  Org. country:  Belgium  Attachment: | Dossier submitter response:  Thank you for your comments. Please also see our responses to comments #3354, 3356 and 3536.  The Dossier Submitter has noted that DIGITALEUROPE requests   * A 36 months transition period for articles * A derogation for spare parts for Electrical and Electronic Equipment placed on the market before entry into force * A derogation for articles already placed on the market before entry into force   It is further noted that DIGITALEUROPE states that its member companies do not have detailed information about the amounts of DP placed on the market in their products, because the substance is used mainly by suppliers earlier in the supply chain.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  The Dossier Submitter does not support any general derogations for electrical and electronic equipment as it may represent a significant source of emissions of DP to the environment. Further information can be submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  Thanks for your comment. To RAC it remains unclear how these uses are in compliance with REACH Annex I 6.5 and the obligation to implement and recommend *risk management measures which minimise exposures and emissions to humans and the environment, throughout the lifecycle of the substance that results from manufacture or identified uses.* RAC notes, that while a longer transitional period and derogations are requested no data and no information on use volumes, on OCs and RMMs to minimise the emission of this substance of very high concern (SVHC) and how much emission into the environment the requested longer transitional period and derogation will cause in the future has been provided.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to the AeroSpace and Defence Industries Association (ASD) in comment #3354. |

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| 3398 | Date:  2021/09/17 16:24  Content:  Scope or restriction option analysis  Description of analytical methods  Other socio economic analysis (SEA) issues  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Plastics Recyclers Europe (PRE)  Org. country:  Belgium  Attachment: | General Comments:  Plastics Recyclers Europe (PRE), the association representing the plastics recycling industry, welcomes the opportunity to provide clarifications on the annex XV restriction report for Dechlorane Plus (DP) at 0,1%. The attached document focuses on the recycling section of the proposal targeting end of life vehicles (ELV) and the waste electrical and electronic equipment (WEEE). |
| Answer to specific info request 1:  Please see the attached document. |
| Answer to specific info request 3:  Please see the attached document. |
| Dossier submitter response:  Thank you for your comments and the support for the proposed restriction for DP.  The Dossier Submitter notes that the information provided by Plastics Recyclers Europe (PRE) confirms that a concentration limit of 0.1% will not affect the recycling industry while preventing the intentional use of the substance. This is related to the plastics containing DP and entering the recycling facilities already being sorted to fractions that are to be sent to destruction and only low DP concentrations in plastics from end-of-life vehicles (ELV) and the waste electrical and electronic equipment (WEEE) entering the recycling operation. This aligns with information presented in the Background document related to recycling, and thereby confirms the conclusion by the Dossier Submitter that a derogation for this sector is not needed.  The Dossier Submitter further appreciates the clarifications provided in the comment related to the volume of WEEE recycling in the EU presented in the restriction dossier. The Background document will be reviewed accordingly to reflect this and other relevant input from PRE. |
| RAC Rapporteurs comments:  Thanks for your comment. RAC notes, that no information was provided by PRE about the amount of emissions from the recycling process or the waste resulting after the separation process or the recycling process and the OCs and RMMs applied by the recycling industry to minimise emissions of Dechlorane Plus into the environment.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comments and data update that clarifies the eventual impact of this restriction in the sector. It was very useful for assessing a derogation for the recycling sector. |

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| 3527 | Date:  2021/11/08 03:44  Content:  Information on alternatives  Other socio economic analysis (SEA) issues  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Japan Auto Parts Industries Association  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.  Submit answers to additional questions. |
| Answer to specific info request 1:  In JAPIA's calculation, 20 to 60g is used per car. In Japan, wire harnesses containing DP are widely used. The content per vehicle in Japan includes this wire harnesses application. On the other hand, in Europe, where inorganic flame retardants (Inorganic hydroxides such as aluminum hydroxide and magnesium hydroxide) are easily available, DP is rarely used for wire harness applications, so I think the figure reported by ACEA is smaller than that of JAPIA. In addition, the consumption of JAPIA includes construction equipment and industrial vehicles that share parts with automobiles, so I think there is a big difference in the overall consumption. Alternative costs in the Japanese auto parts industry - The one-off costs a company would incur to alternate 　24,000-450,000€ per company - Total one-off costs e.g. R&D, test (euro) 685,000-21,200,000€ per company 　(Too diffucult to estimate the cost of spare parts) |
| Answer to specific info request 2:  As an alternative to DP - Wire harnesses: Plan to change to inorganic flame retardant. - Tape: Plan to change to inorganic flame retardant. Since these are already in use today, as stated in the written opinion - Material development: 2 years　Done - Evaluation of material, parts: 1 year - Parts approval by customers: 1 year - Alignment/Update of production line/facility: 1year - Change-over (Engineering change release, Production control): 2 years It is carried out on this schedule. We believe that these parts can be replaced if there is time to 2027. As for PDAP resin, no alternative material with the same performance has been found at present. Change to inorganic flame retardant(Metal hydroxide) has the effect of deteriorating electrical characteristics (high tracking resistance) which is the excellent characteristic of PDAP resin, As we answered in our document, we have a plan that Changing from PDAP to no restricted halogen flame retardant while keeping capability of flame retardant and workability but it can be disappointing alternative plan. PDAP resin which has better tracking resistance than phenol resin is adopted by parts of next-generation vehicle and it is needed by the world including Europe. Under the situation of proceeding the EV conversion of vehicles and increasing demand for PDAP resin, we believe that it is necessarry to pay attention to the use of PDAP resin while considering contribution to the environment. |
| Answer to specific info request 3:  At the time of manufacture, the effects on the human body and the environment are considered to be properly controlled. There is no concern about DP release from components. In the case of this, concern is only about release of the disposal phase. When we look at the release at the disposal phase, recycling rate of vehicles has already achieved at 95% to comply with the ELV Directive, therefore, it can be concluded that the release to the environment will be extremely low. |
| Dossier submitter response:  Thank you for your comments and responses to ECHA’s request for additional information.  The Dossier Submitter notes that there is a significant difference in the volume DP per vehicle manufactured in the EU (2g-35g) versus in those manufactured in Japan (20g-60g). From your submission we understand that this difference is primarily due to alternatives (inorganic flame retardants) being readily available and, to some extent, already in use in wire harnesses and tape in the EU. Information submitted by ACEA during the restriction proposal development phase indicated that electric wire harnesses, tape and adhesives comprise around 90% of the total volume used in the automotive sector. For the further discussions on the restriction dossier, it would be appreciated if the corresponding share for JAPIA’s members could be provided.  Thank you for providing the substitution timeline and costs of transitioning to alternatives (inorganic flame retardants) for wire harnesses and tape, where you have noted that this process is expected to be completed by end of 2027. For PDAP resin we understand that transitioning to halogenated flame retardants is a potential option, but that it is not guaranteed that this will be successful.  It is noted that JAPIA members use PDAP resin to maintain the integrity of electric components in electric vehicles and therefore consider this material to be essential for the continued electrification of the carpark as well as other vehicles. It is, however, not clear whether this is the only use of PDAP resin. The Dossier Submitter recommends that further information on the uses and corresponding use volumes of PDAP resin is provided in the 60-day consultation on the SEAC draft opinion.  The use of DP as a flame retardant in materials for electric insulation (such as PDAP resin) was first mentioned in the public consultation (see also comment #3536). Furthermore, this use of DP has only been reported by Japanese vehicle and machinery manufacturers, whilst it has not been put forward as a use by the equivalent EU-based manufacturers. Additional information (e.g. volumes on the EU market, specific applications, and technical requirements) and further discussions may therefore be needed to determine whether specific derogations are warranted for this use.  We also would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should be minimised.  It is understood that it is not economically meaningful for manufacturers to substitute DP in spare parts, and a restriction would therefore lead to early replacements of vehicles which conflict with other environmental goals in the EU.  Your requests for a time-unlimited derogation for PDAP resin as well as spare parts have been noted, as well as the need for a transition period up until and including 2027 to substitute DP in other uses.  The Dossier Submitter supports the request for a derogation for spare parts. The Dossier Submitter does not support any general derogations for the automotive sector as it represents a significant source of emissions of DP to the environment. Without further information on the uses of PDAP resin, corresponding DP volumes and alternatives (e.g. alternatives may exist in the EU) a derogation for this material is not considered justified. Further information can be submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  See answer in comment #3332. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comments #3332. |

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| 3528 | Date:  2021/11/19 03:33  Content:  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Japan Agricultural Machinery Manufacturers Association  Org. country:  Japan | General Comments:  Japan Agricultural Machinery Manufacturers Association (JAMMA)  JAMMA’s Comments for “Dechlorane Plus” restriction proposal of ECHA Public Consultation   1. Introduction JAMMA was established in 1939 and is the nationwide organization of agricultural machinery manufacturers in Japan, and aims at contributing to the sound development and progress of agricultural machinery industry and the growth of national economy. We work on a wide range of activities such as development of technology, safety, environment and standardization. We are working on solving various problems in collaboration with agricultural machinery industry associations of other countries, and we have a particularly friendly relationship with Japan Auto Parts Industries Association (JAPIA).  2. Problems of restriction proposal Agricultural machinery has a long life cycle used by farmers, and manufacturers are responsible for the continuous supply of maintenance parts needed by the farmers who own their products. - “Dechlorane Plus” is essential for flame retardance and seizure resistance, and is used in agricultural machinery for components such as harnesses, polymers, greases, etc. - The restriction proposal will not only put a heavy burden on companies that manufacture agricultural machinery, but will also put a burden on farmers in EU. - It is not possible to directly replace with an alternative technology, or it takes a lot of time to prepare replacements, and the procurement cost is high. Lead time is necessary to complete the following actions; Material development: 2 years Evaluation of material, parts: 1 year Parts approval by customers: 1 year Alignment/Update of production line/facility: 1 year Change-over (Engineering change release, Production control): 2 years  3. Conclusion JAMMA and JAPIA (Japan Auto Parts Industries Association) have discussed the problems associated with the restriction of Dechlorane plus under the REACH regulation, and as a result, we strongly support JAPIA's position. JAMMA also believes that this timing of regulation is too early, so we would like to see flexible compliance with the regulation, including exemptions. If “Dechlorane Plus” is to be regulated, please 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)  JAMMA appreciates your consideration of our comments.    Toshihiko Tamura Senior Managing Director, Japan Agricultural Machinery Manufacturers Association Phone : +81 3 3433 0415 E-mail : tamura@jfmma.or.jp |
| Dossier submitter response:  Thank you for providing information on the uses of DP in agricultural machinery (wire harnesses, polymers and greases) and the timeline for transitioning to alternatives. We have also noted your concern for economic impacts on manufacturers and users of agricultural machinery.  The information provided specifically relating to agricultural machinery is limited. This makes it challenging to assess whether a 7-year transition period is warranted for this application. The substitution plan and requests for derogations you present are similar to that of JAPIA, so please see our response to comment #3527 for further details.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  The Dossier Submitter supports the request for a derogation for spare parts. The Dossier Submitter does not support any general derogations for the automotive sector as it represents a significant source of emissions of DP to the environment. Further information can be submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  Thanks for your comment. While you request a longer transitional period and derogations, no data or information is given which OCs and RMMs have already been implemented since the identification of Dechlorane Plus as SVHC in 2018 by the agricultural machinery industry to minimise the emissions into the environment.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comments #3332. Your comment does not provide additional information related to the automotive sector that might justify a general derogation to extend the transition period, but SEAC takes note the spare parts are also a concern for your associated companies. |
| 3529 | Date:  2021/12/14 10:49  Content:  Scope or restriction option analysis  Transitional period  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  ACEM - The Motorcycle Industry in Europe  Org. country:  Belgium  Attachment: | General Comments:  Please see the non-confidential attachment for more detailed comments. |
| Dossier submitter response:  Thank you for your comments and your support for the intent to limit emission of Dechlorane Plus into the environment. It is also confirmed that information from ACEM and ACEA was received in the call for evidence and the stakeholder consultation held in 2020, and the information provided in these consultations was considered during the development of the restriction proposal.  The Dossier Submitter has noted that ACEM requests a 60-months transition period for “*Type Approved, and vehicles declared in conformity with Machinery Directive”*. Information received from other stakeholders (see comment #3527 in particular) indicate that there are readily available alternatives for wire harnesses and tape in the EU. This is also reinforced by the fact that the volume DP per vehicle in the EU is significantly lower than in Japan. The Japanese manufacturers believe they can substitute DP in these uses by 2027, which means that most EU manufacturers should be able to substitute even quicker. Based on this, the Dossier Submitter does not consider there to be sufficient evidence for a derogation for these uses beyond 2027. Specific applications of DP in the automotive industry will be assessed separately.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  The Dossier Submitter supports the request for a derogation for spare parts. The Dossier Submitter does not support any general derogations for the automotive sector as it represents a significant source of emissions of DP to the environment. Further information can be submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  Thanks for your comment and that you support the intention to limit the emission of Dechlorane Plus into the environment. However, no data and no information are given how this is ensured while the L-category vehicles are serviced, repaired and maintained. RAC notes, that while a derogation is requested, no data and information are given how much emissions into the environment of Dechlorane Plus this will cause.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comments #3332. Your comment does not provide additional information related to the automotive sector that might justify a general derogation to extend the transition period, but SEAC takes note the spare parts are also a concern for your associated companies. |

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| 3530 | Date:  2021/12/20 12:02  Content:  Scope or restriction option analysis  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  All Terrain Vehicle Industry European Association - ATVEA  Org. country:  Belgium  Attachment: | Dossier submitter response:  Thank you for your comments and your support for the intent to limit emission of Dechlorane Plus into the environment.  ATVEA states that your input is in line with information submitted by ACEM (European Motorcycle Manufacturers Association) and ACEA (European Automotive Manufacturers Association). We can confirm the receipt of information from ACEM, see comment #3529. Please note that ACEA has not submitted information on Dechlorane Plus into the public consultation (see RCOM to comment #3532), but information was received during the stakeholder consultation in the Dossier Submitter's preparation of the restriction proposal.    Please also see our responses to comments #3529 and comment #3527 for further details on the request for derogations. |
| RAC Rapporteurs comments:  Thanks for your comment, RAC notes that you support the intent to limit the use of Dechlorane Plus. However, the intention is to limit the amount of emissions into the environment. Unfortunately, you do not provide any data and information on the emissions into the environment of Dechlorane Plus caused by ATVs (All-Terrain Vehicles) and Side-by-Side Vehicles. While a derogation is requested, no data and information are given how much emissions into the environment of Dechlorane Plus this will cause.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comments #3332. Your comment does not provide additional information related to the automotive sector that might justify a general derogation to extend the transition period, but SEAC takes note the spare parts are also a concern for your associated companies. |

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| 3531 | Date:  2021/12/21 15:27  Content:  Request for exemption  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 would like to provide updated comments as well as responses to the questions raised by ECHA on the input submitted by ASD in July 2021. New parts in the document are marked as "NEW" and responses to the questions are included in the Annex 1. ASD thanks ECHA for their kind consideration and remains at disposal for further exchanges. |
| Answer to specific info request 1:  Please kindly refer to the document uploaded at the end of this consultation |
| Answer to specific info request 2:  Please kindly refer to the document uploaded at the end of this consultation |
| Dossier submitter response:  Thank you for the detailed and well-prepared information and for the continued dialogue with ECHA.  The Dossier Submitter appreciate the additional information on uses of DP in Aerospace and Defence applications, and on the challenges associated with transitioning to alternatives.  The regulatory and testing regime that aerospace and defence applications must adhere to is well documented in your response and provides good justifications for a derogation for uses of DP within this sector. It is noted that the time to transition to alternatives ranges from 3 years for less challenging applications up to 10 years for complex applications. It is also acknowledged that it is not feasible to substitute DP in spare parts and maintenance applications.  The submitted information provides more details for the further assessments and refinement of the Restriction options and will be included and assessed in the Background Document.  The Dossier Submitter propose that a transition period of minimum 5 years seems to be necessary for this sector. It is further suggested that a review clause for the transition time should be considered, where extended derogations can be assessed for specific applications for which it is not possible to transition to alternatives within the 5-year period. The request for a derogation for spare parts in this sector is also supported. |
| RAC Rapporteurs comments:  Thanks for your comment. Unfortunately, you do not provide any data and information which OCs and RMMs have already been implemented since the identification of Dechlorane Plus as SVHC in 2018. While a derogation and longer transitional period is requested, no data and information are given how much emissions into the environment of Dechlorane Plus this will cause.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you very much for the detailed provided information related to the uses, use volumes, testing demands, legal approvals.  SEAC notes that alternatives are implemented already for several uses, and substitution programmes are ongoing on several sector players.  SEAC also notes that the information provided is essentially related to the aerospace industry but acknowledged that it also can cover the defence industry once there are similar requirements materials, articles and uses in both industry sectors.  SEAC appreciate that the claim for a derogation until 2031 was supported in a timeline taking into account the development stages usual in the sector. However, SEAC did not find arguments to justify a deviation from the initial claim of a derogation of 5 years. In SEAC view, taking into account that five years of derogation will extend the EiF for the sector likely until 2028 and the PBT/vPvB properties of the substance, identified as such since 2018, advise that the substitution is to be accelerated. Notwithstanding, SEAC support that a review clause for the transition time should be considered for specific uses where the substitution fails, proposed by the Dossier Submitter. |

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| 3532 | Date:  2021/12/22 12:38  Content:  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  ACEA  Org. country:  Belgium  Attachment: | General Comments:  please see attachment |
| Dossier submitter response:  Thank you for your comment.  The Dossier Submitter notes that the attachment submitted by ACEA unfortunately does not contain any relevant information on the restriction proposal for Dechlorane Plus. ACEA has already provided information through the stakeholder consultation during the preparation of the restriction dossier and it is recommend that further information is submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  Thanks for your comment. RAC notes that the submitted attachment does not contain relevant information. |
| SEAC Rapporteurs comments:  SEAC have non-additional comments. |

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| 3533 | Date:  2021/12/22 16:12  Content:  Scope or restriction option analysis  Information on alternatives  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  The European Garden Machinery Industry Federation – EGMF  Org. country:  Belgium  Attachment: | General Comments:  EGMF is the European federation representing major garden, landscaping, forestry and turf equipment manufacturers. Through its 30 European corporate members and 7 National Associations, EGMF represents about 18 million units placed on the European market every year, accounting for around 80% of garden machinery, and EGMF members employ over 120,000 people in the EU.  We welcome the opportunity to comment on the draft restriction proposal 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 (“Dechlorane Plus”™).  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. |
| Answer to specific info request 1:  There are many critical applications in the garden machinery sector for which Dechlorane Plus are essential. These substances are used due to their properties offering very good flame retardance and seizure resistance and cannot be easily substituted. Specific applications of Dechlorane Plus are polymers requiring flame retardance, and grease requiring seizure resistance: • Flame retardance: when Chlorine bond substance is heated, it emits the Chlorine. Chlorine replaces the oxide in the oxidation reaction thus stopping the fire. • Seizure resistance: when Chlorine bond substance is heated in contact with metals, it reacts with the metals and forms metal chloride film. This film reduces the friction. Other substances do not offer similar properties, thus not ensuring the necessary safety and durability of equipment. Therefore, we would require at least 7 years’ transitional period to ensure providing safety products to consumers. |
| Answer to specific info request 2:  There are many critical applications in the garden machinery sector for which Dechlorane Plus are essential. These substances are used due to their properties offering very good flame retardance and seizure resistance and cannot be easily substituted. Specific applications of Dechlorane Plus are polymers requiring flame retardance, and grease requiring seizure resistance: • Flame retardance: when Chlorine bond substance is heated, it emits the Chlorine. Chlorine replaces the oxide in the oxidation reaction thus stopping the fire. • Seizure resistance: when Chlorine bond substance is heated in contact with metals, it reacts with the metals and forms metal chloride film. This film reduces the friction. Other substances do not offer similar properties, thus not ensuring the necessary safety and durability of equipment. Therefore, we would require at least 7 years’ transitional period to ensure providing safety products to consumers. |
| Dossier submitter response:  Thank you for providing information on the uses of DP as a flame retardant and for seizure resistance in garden, landscaping, forestry and turf equipment. The Dossier Submitter also appreciates the information on the time needed to transition to alternatives.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  The information provided specifically relating to garden, landscaping, forestry and turf equipment is limited. This makes it challenging to assess whether a 7-year transition period is warranted for these applications. The substitution plan and requests for derogations you present are similar to that of JAPIA, so please see our response to comment #3527 for further details. |
| RAC Rapporteurs comments:  Thanks for your comment. Unfortunately, you do not provide any data and information which OCs and RMMs have already been implemented since the identification of Dechlorane Plus as SVHC in 2018. While a derogation and longer transitional time is requested, no data and information are given how much emissions into the environment of Dechlorane Plus this will cause.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comments #3332. Your comment does not provide additional information related to the automotive sector that might justify a general derogation to extend the transition period, but SEAC takes note the spare parts are also a concern for your associated companies. |

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| 3534 | Date:  2021/12/27 08:14  Content:  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  <redacted>  Org. country:  Japan  Company name confidential:  Yes  Attachment: | Dossier submitter response:  Thank you for providing information on the uses of DP in industrial trucks (wire harnesses, polymers and greases) and the timeline for transitioning to alternatives. The Dossier Submitter has also noted your concern for economic impacts on manufacturers and downstream users of industrial trucks.    The information provided specifically relating to industrial trucks is limited. This makes it challenging to assess whether a 7-year transition period is warranted for this application.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  The substitution plan and requests for derogations you present are similar to that of JAPIA, so please see our response to comment #3527 for further details. |
| RAC Rapporteurs comments:  Thanks for your comment. Unfortunately, you do not provide any data and information which OCs and RMMs have already been implemented since the identification of Dechlorane Plus as SVHC in 2018. While a derogation and longer transitional time is requested, no data and information are given how much emissions into the environment of Dechlorane Plus this will cause.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. Please see our response to your comments #3332. |

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| 3535 | Date:  2021/12/28 18:31  Content:  Scope or restriction option analysis  Information on benefits  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  The Marine Engine Committee (IMEC) of the International Council of Marine Industry Associations (ICOMIA)  Org. country:  Belgium  Attachment: | General Comments:  Dechlorane Plus provides a critical function as it is used as a flame retardant and as an anti-seize compound in products used in engines / powertrains in the marine leisure industry, including wire harnesses, adhesives, tape and grease for marine power equipment. They are widely used throughout the world – including in EU and in other regions such Asia and North America.  IMEC would like to share our key observations below and kindly requests that:  • An exemption to the proposed restriction is granted for use of these substances used on spare parts in our industry in order to ensure that products can be repaired, reused and remain safe for consumers  • Sufficient time is allowed, i.e. 5 years, to develop and test alternative substances which provide the necessary function  Justification: The current proposal to implement these restrictions for articles 18 months after publication in the Official Journal is not feasible for our industry, considering the broad and important usage of products containing Dechlorane Plus in our applications.  Dechlorane Plus is critical in specific applications, such as in polymers/articles where flame retardance is required, and in greases which resist seizure of parts during assembly and reassembly. Dechlorane plus functions as follows:  • Flame retardance: where Chlorine bond in the substance is heated, it emits Chlorine. Chlorine replaces the oxide in the oxidation reaction thus stopping the fire  • Seizure resistance: where Chlorine bond in the substance is heated in contact with the metals, it reacts with the metals and forms metal chloride film. This film reduces the friction.  Although uses of products / articles in EU containing Dechlorane Plus are gradually decreasing, non-EU regions still rely on its characteristic importance and use big volumes. Given the complexity of the global supply chains in our industry, an adequate transitional time, i.e. 5 years, is required to substitute all usages with alternative products which ensures safety, maintains the relevant functionality of products / articles and gives time for appropriate technical / regulatory approvals needed for use in our sector.  Moreover, we respectfully request that an indefinite derogation from the restriction is granted for use of products containing Dechlorane Plus on spare parts. This will ensure that products can be safely repaired and reused by customers. In line with the ‘repaired as produced’ principle enshrined in the EU RoHS Directive, we suggest adding a new exemption for:  "spare parts for the repair, reuse, updating of functionalities and upgrading of capacity of equipment placed on the market before (implementation date of this restriction)"  This amendment will bring substantial benefits to the environment and users and benefit a Circular economy as it will prevent additional generation of waste and the unnecessary use of more raw materials. It will enable operators to prolong the lifetime of their products without having to bear any additional costs due to the re-designing, re-testing and re-manufacturing of spare parts.  IMEC also associates and agrees with comments submitted in this consultation by The European Automobile Manufacturers’ Association (ACEA). |
| Answer to specific info request 1:  Dechlorane Plus provides a critical function as it is used as a flame retardant and as an anti-seize compound (critical in assembly /disassembly / component reuse) in products used in engines/powertrains in the marine leisure industry, e.g. wire harnesses, adhesives, tape and grease for marine power equipment. They are widely used throughout the world – including in EU and in other regions such Asia and North America. Typical concentrations in products used are : • 13-20%w/w in coating of electric wires • 20-25%w/w in grease De-chlorane plus brings substantial benefits to users and benefits a Circular economy as they facilitate reuse of components and prevent additional generation of waste and the unnecessary use of more raw materials. It enables operators to prolong the lifetime of their products without having to bear any additional costs due to the re-designing, re-testing and re-manufacturing of spare parts. |
| Answer to specific info request 2:  At this time (due to tie constraints associated with us preparing this input) we do not have information to submit on chemical / non-chemical alternatives but will seek to obtain this from our members. |
| Dossier submitter response:  Thank you for providing information on the use of DP and the lack of alternatives available in the marine industry. Note that ACEA has not submitted information on Dechlorane Plus into the public consultation (see RCOM to comment #3532), however, your response is broadly aligned with the information submitted by other actors within the automotive industry.  The information provided specifically for marine applications is somewhat limited, which makes it challenging to assess whether the requested derogation for the marine industry is warranted.  The Dossier Submitter supports your request for a derogation for spare parts. We are however unable to support your requests for further derogations as sufficient evidence (e,g. volumes, alternatives, substitution plans etc.) has not been provided.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  Further information can be submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  Thanks for your comment. Unfortunately, you do not provide any data and information which OCs and RMMs have already been implemented since the identification of Dechlorane Plus as SVHC in 2018. While a derogation and longer transitional time is requested, no data and information are given how much emissions into the environment of Dechlorane Plus this will cause.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment and submitted information. As mentioned by the Dossier Submitters' response, SEAC rapporteurs also note that your comment is aligned with the information submitted by other automotive industry players. Please see our response to your comments #3332. Your comment does not provide additional information related to the automotive sector that might justify a general derogation to extend the transition period, but SEAC takes note the spare parts are also a concern for your associated companies. |

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| 3536 | Date:  2022/01/03 19:45  Content:  Scope or restriction option analysis  Information on alternatives  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Company  Org. name:  Würth Elektronik eiSos GmbH & Co. KG  Org. country:  Germany  Attachment: | General Comments:  Certified electrical and flammability requirements will be impacted by the Dechlorane Plus restrictions.  Würth Elektronik is a world market leader in printed circuit boards and components and modules for controls, wireless data communication, energy-harvesting, power, smart metering, and wireless charging and discrete magnetic components including custom designed inductors and transformers. These products are used in consumer, industrial, automotive, and medical EEE to provide suppression and control of electromagnetic interference and emission, conversion, control, and transfer of electrical energy, signal and communications handling, integrated circuit application, and may otherwise be anywhere circuits are deployed in EEE.  Among the components most impacted by Dechlorane, those with certified electrical and flammability requirements, such as transformers and inductors, are expected to have the most complex and potentially challenging path of conversion away from Dechlorane. |
| Answer to specific info request 1:  We agree with proposals to support the planned obsolescence of the substance, trademark name Dechlorane, but it is important to recognise the lack of alternatives in the marketplace today. In certain applications it will not be possible to replace Dechlorane within a minimum of 5-7 years because materials and systems using alternatives to Dechlorane must be tested and successfully meet performance and safety tests relevant to each application. Even then, operational and commercial changes are required. Dechlorane is used as a thermoset plastic additive providing critical benefit in the electrical safety, flammability, and efficiency of electronic components and associated EEE end products. Safety characteristics currently conferred by Dechlorane prevent transfer of harmful electrical energy to users and articles and resist the start and propagation of fire. Efficiency characteristics relating to Dechlorane enable less mass of materials, less energy consumption, and less end-of-life waste. These characteristics are particularly important for electric vehicle drive motors, charging systems of all kinds, battery management, mains power management, and medical and heavy industrial equipment where failure can have severe consequences. Dechlorane’s successful performance over decades in thermoset plastic has enabled smaller, lighter, safe and reliable parts, fostering innovation across a broad range of markets stretching from green energy projects in alternative energy and smart metering to fast charging of electrical vehicles and complex control of automated products. |
| Answer to specific info request 2:  We have aimed to set out below some of the primary considerations relevant to replacement of Dechlorane by Würth Elektronik and its value chain to highlight the critical role of Dechlorane in EEE today and the challenges associated with its replacement. Due to the highly complex, technical, inter-related and, at this point, uncertain nature of any such activity, a detailed assessment of the impact of a broad restriction on use of Dechlorane is not possible. However, clearly it will be vital to understand and resolve critical dependencies and we would be happy to provide addition information or clarification to the extent we are able to support this consultation and process. |
| Dossier submitter response:  Thank you for your general support for the planned obsolescence of DP and for the specific information on the function and availability of alternatives to DP in certain applications.  We have noted that DP is used as an additive (typical concentration about 8%) in providing flame retardancy.  The information that DP improves the CTI-performance of the thermoset plastic was first mentioned in the public consultation. It is not clear to the Dossier Submitter whether the use of DP in electric insulation is a separate or additional technical function than flame retardancy.  We have also noted that you request time-limited derogations for DP-containing thermoset plastic mixtures and articles made from DP-containing thermoset plastic mixtures and used as coil forms and coil assembly mounts, such as bobbins, bases, and headers, and inductors, transformers, and other passive electromagnetic components, either discrete or contained within other EEE articles, intending to meet VDE Group 1 CTI requirement coupled with UL Class B requirement and/or UL Class F requirement and/or medical devices. We have noted that you suggest that a transitional period of 9 years after the entry into force of the restriction should apply to these mixtures and articles. Furthermore, a transitional period of 20 years after entry into force should apply to spare parts for the same applications.  In order to fully assess the information, an indicative estimate of volume DP used for EEE articles, intending to meet VDE Group 1 CTI requirement coupled with UL Class B requirement and/or UL Class F requirement and/or medical devices should be provided. Furthermore, more detailed information on the product longevity of these devices, alternatives to DP and the costs related to substitution of DP within these use areas would be necessary.  The Dossier Submitter does not support any general derogations for electrical and electronic equipment as it may represent a significant source of emissions of DP to the environment.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  Further information can be submitted in the 60-day consultation on the SEAC draft opinion, which SEAC will consider before adopting their opinion. |
| RAC Rapporteurs comments:  Thanks for your comment. RAC also welcomes your general support for the *planned obsolescence* of Dechlorane Plus. Unfortunately, you do not provide any data and information which OCs and RMMs have already been implemented since the identification of Dechlorane Plus as SVHC in 2018. While a derogation and longer transitional time is requested, no data and information are given how much emissions into the environment of Dechlorane Plus this will cause.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you for your comment. The use of DP in thermoset plastics are not mentioned by other respondents nor treated individually in the Annex VV report.  SEAC has a concern related to how to access if your claims for derogations are covered by the derogations claimed by other industry sectors.  SEAC agree to the Dossier Submitter comment regarding the lack of information to access your claims for derogations. |

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| 3537 | Date:  2022/01/04 11:49\* (submission after the consultation deadline was agreed by ECHA)  Content:  Scope or restriction option analysis  Information on alternatives  Information on benefits  Other socio economic analysis (SEA) issues  Transitional period  Request for exemption  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  COCIR  Org. country:  Belgium  Attachment: | General Comments:  COCIR Members, in the medical imaging ans radiotherapy devices sector believe DP+ can be substituted succesfully with limited impacts to industry, innovation, healthcare providers in EU and patients is a proper transition period is granted and additional conditions are included in the restriction text, as argumented and proposed in the attached COCIR Report |
| Answer to specific info request 1:  DP+ has been included in BOMcheck afte the inclusion in the candidate list. BOMcheck, originally created by COCIR is today a very efficient system to track the use of substabces along the supply chain. COCIR managed to collect information about uses in medical imaging and radiotherapy devices but not about the quantities or concentrations as such information was not required by REACH article 33. the findings are included in the attached report. |
| Answer to specific info request 2:  COCIR does not exclude that the alternatives proposed in the DP+ restriction report may work in most applications but their use needs to be extensively tested for safety, reliability and clinical performances (e.g. interference with image quality). Additional information on possible alternatives and estimation of time required for substitution are reported in the attached report. |
| Dossier submitter response:  Thank you for the detailed report on the use of DP in medical imaging and radiotherapy devices.  It is noted that DP is used in:   * Cables and wiring, electrical connectors; * Printed circuit boards, other plastic electrical components; * Other non-electrical components, such as housings; and * Mechanical parts.   It is understood that COCIR members do not directly use DP, but that it is constituent insert parts of medical imaging and radiotherapy devices manufactured by supplier. Parts containing DP has been identified through supply chain communication. However, volumes have not be possible to obtain, as there are currently no legislative reporting requirements for the substance. It is strongly encouraged that COCIR continues its communication within the supply chain to obtain volume data, to allow for a considered assessment of the requested derogations in the committees and the European Commission.  We would like to point out that DP is a very persistent and very bioaccumulative substance (vPvB) and its emissions should therefore be minimised regardless of evidence on adverse effects to the environment and human health. Please see: <https://echa.europa.eu/management-of-pbt-vpvb-substances> for further information.  It is noted that alternatives have not yet been investigated by COCIR members, hence no suitable alternatives are known at the present time. Due to stringent regulatory requirement and the societal importance of medical imaging and radiotherapy devices, the Dossier Submitter acknowledges that an extended transition period for medical devices is needed to allow for the identification, testing and implementation of alternatives.  Based on the information provided in the report, the Dossier Submitter supports COCIR's suggested derogations for:   * Medical imaging devices placed on the market before Entry Into Force (EiF) +7 years; * Radiotherapy devices/installations placed on the market before EiF+10 years;   The Dossier Submitter also agrees that a review clause for the derogations should be considered, where extended derogations can be assessed for specific applications for which it has not been possible to transition to alternatives.  Considering the long lifetime of these devices, the Dossier Submitter also supports a derogation for spare parts, refurbishment and reuse of such devices. |
| RAC Rapporteurs comments:  Thanks for your comment. RAC notes your claim that only *limited information about concentration or quantities is provided by suppliers as it is not a legislative requirement, even for EU suppliers.* To RAC it remains unclear if this describes the situation prior to the identification of Dechlorane Plus as SVHC in 2018. RAC also notes the discrepancy between your prior statement and your statement that all COCIR members *do separate all plastic parts containing Dechlorane Plus as part of the WEEE disposal processes.* To RAC it remains unclear how this is practically possible if, as claimed above, only limited information on the use of Dechlorane Plus is available to COCIR members. While a derogation and longer transitional time is requested, no data and information are given how much emissions into the environment of Dechlorane Plus this will cause.  Requests by stakeholders for derogations and longer transition periods must be sufficiently substantiated with data and information on use volumes, emissions and implemented OCs and RMMs and have by RAC been evaluated from an emission minimisation perspective only. Evaluation of proportionality and cost/benefit for restricting as well as derogating uses will be performed by SEAC. |
| SEAC Rapporteurs comments:  Thank you very much for your comments. They allowed the identification of devices where DP is used, that were not identified in the initial Annex XV report. Your comments highlight the complexity of the medical imaging and radiotherapy devices, the complexity of the supply chain and the relevant requirements and testing demands for approval of the articles/materials used in such devices. This information, together with the benefits for the society that such equipment still continues available for health providers, from the view of SEAC rapporteurs, is enough to support the derogation proposed by the Dossier Submitters for new equipment and the production of spare parts. SEAC notes the statement that only limited information about concentration, or quantities, is provided by suppliers as it is not a legislative requirement, even for EU suppliers. However, article 7(2) of the REACH Regulation demands that any producer or importer of articles shall notify ECHA if an SVHC is present in those articles in quantities totalling over one tonne per producer or importer per year and the substance is present in those articles above a concentration of 0,1 % weight by weight (w/w). You also state that a very efficient system to track the use of substances along with the supply chain is implemented, but not about the quantities or concentrations, as such information was not required by REACH article 33. However, nothing is said about the demand imposed by article 7(2). Although the SCIP database contains several entries for articles with DP, there are no entries to articles containing DP in the ECHA's database for SVHCs in articles notification. |