Key recommendations for the development of the SVHC database by ECHA

Brussels, 24 May 2019

On 22 October 2018, DIGITALEUROPE, representing the digital technology industry in Europe, participated in the workshop organized by the European Chemicals Agency (ECHA) on the task of ECHA to develop a database on articles containing Candidate List substances under the Waste Framework Directive. In preparation for the workshop, on 9 October 2018, DIGITALEUROPE has also responded to the call for input on the draft scenario to be discussed at the workshop. We welcomed the opportunity to participate in the call for input as well in that workshop and to work with ECHA and other stakeholders on a suitable and workable approach to meet the legal requirement for ECHA to set up the database and the foreseen objectives.

In both occasions, DIGITALEUROPE expressed serious concerns about the potential impacts of the database given our complex supply chains and products. Since the workshop, the development of the database did not progress in the way it was initially announced, mostly due to budgetary constraints. DIGITALEUROPE regrets these delays and remains concerned about the possible impacts of the database, especially given the limited foreseen stakeholder involvement.

Following a recent exchange with ECHA, it is our understanding that a small-scale consultation of selected stakeholders might be foreseen before the summer in order to get feedback on some of the information requirements and technicalities of the database. If such a consultation is foreseen, DIGITALEUROPE would be delighted to directly contribute and our recommendations. In anticipation of such stakeholder consultation, we already want to share with Member States, ECHA and the European Commission our key considerations and constructive recommendations.

KEY MESSAGES

1. Ensure that the database is in line with the legal mandate

According to the Waste Framework Directive (WFD) Article 9, the ECHA database is to provide information pursuant to REACH Article 33(1). While some further information may be provided on a voluntary basis if there is a clear need, mandatory fields to input to the database should be limited to items required in REACH Article 33(1). This means concretely that any of the following information requirements should only be considered on a voluntary basis, e.g. concentration ranges, unique identifiers, location information (if not required for safe use), safe use information beyond the scope of REACH Article 33(1) etc. To ensure a workable outcome that can be complied with and enforced, it is essential to remain within the legal framework and set clear boundaries to what is mandatory and what could be provided on a voluntary basis. This is also in line with the information being collected within our supply chains for more than 10 years.

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2. Establish an advanced database that leverages existing approaches

REACH Article 33(1) concerns the duty to communicate information on substances in articles, an "article-centric" approach instead of a "substance-centric" approach is therefore more appropriate to structure the data within the ECHA database. In order to make this approach workable, we deem necessary to allow some simplification such as grouping and reporting products by Regulatory Model Number, that applies to all models typically of a family that share the same technical regulatory characteristics, such as Electromagnetic compatibility (EMC) and Safety. Considering the submission of thousands of articles and in order to better leverage existing approaches already employed by industry, it is important to ensure bulk upload and system to system submission. It is further crucial to protect confidential business information, e.g. making sure that links between actors in the same supply chain will not be visible and to only provide a unique identifier on a voluntary basis.

Ultimately, the information provided in the database should be manageable and useful for the recipients. Retrieving and processing detailed information from the database for every article that is being recycled does not seem realistic and appears to be of very limited use by the waste treatment operators. Therefore, functionality to upload information on a product family level needs to be considered. It is further important to avoid overlaps or conflicts with existing practices stemming from other legislation, in particular WEEE Directive Article 15 information[1]. No strict requirements should be imposed with regards to the safe use information targeting the waste phase as there is no one-size-fits-all to this requirement and risks the overlap with the WEEE Article 15 information.

3. Coordinate transposition and ensure sufficient time for data transmission

To meet the foreseen objectives and minimize administrative burden, it is crucial to coordinate transposition and ensure an EU-wide harmonized approach regarding how the information is submitted (IT format), who should submit the information and what information needs to be submitted. In this context, legal entity registration and reporting into the database needs to be simplified and required only at one place in the EU (to avoid the need of multiple EU legal entities belonging to the same company to report the same information, one single legal entity should be allowed to report on behalf of others where there is company affiliation). Despite the current delays of the database development, it is further important that industry is given sufficient time, i.e. at least one year as foreseen in WFD Article 9 (1) and (2), to test the environment and start submission of data before the requirements are enforced by market surveillance authorities. To ensure smooth implementation, in particular by SMEs, it is further important that a comprehensive FAQ is made available and a database helpdesk is set up.

CONCLUSION

DIGITALEUROPE would like to emphasize the importance of stakeholder involvement in the development of the SVHC database and to express our expectation to be part of any consultation in order to contribute directly to the discussions. We believe that we can provide important feedback and constructive recommendations given our practical experience with REACH Article 33 compliance as well as with various information tools that have been invested in over the years. In anticipation of any further stakeholder consultation, we call on Member States, ECHA and the European Commission to take our key recommendations into account to ensure a meaningful and workable outcome.

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1 The I4R platform provides treatment and recycling facilities with access to WEEE recycling information: https://i4r-platform.eu/

ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

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