



12 FEBRUARY 2020

Ensuring a workable SCIP Database outcome: Information requirements to be proportionate and relevant to the recycling of electronics



DIGITALEUROPE, the association representing the digital technology industry in Europe, has engaged in the various discussions and consultations so far on the development of the Substances of Concern In Products (SCIP) database by the European Chemicals Agency (ECHA), as mandated under the Waste Framework Directive. From the outset, DIGITALEUROPE has been critical about the feasibility of the database but has throughout the process constructively contributed to the discussions. In view of the development of the prototype and deadlines approaching, we want to express serious concerns about the information requirements as we fear they will lead to an unworkable and undesirable situation.

According to the Waste Framework Directive (WFD) Article 9, the ECHA database is to provide information pursuant to REACH Article 33(1). REACH Article 33 requires a supplier of an article containing a substance from the Candidate List of Substances of Very High Concern (SVHC) to provide sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance. DIGITALEUROPE members accept the obligation to provide information on SVHCs present in articles as this is in line with the information being collected within our supply chains for more than 10 years. DIGITALEUROPE members also accept that the presence of such a substance, for a complex article, should be determined at the lowest level article present in the complex object.

The proposed information requirements however require producers to disclose information that is not available in the complex supply chains and go beyond legal requirements. This does not only create disproportionate impacts on our industry, it also seriously affects the outcome of the database as such in the given timeframe. To ensure a workable outcome, we call on Member States, ECHA and the European Commission to take our concerns and proposed recommendations into account and update the information requirement proposals.



Availability of data

The current set of information requirements published by ECHA requires manufacturers to submit more data than the information required by REACH Article 33. Some data fields are logical (like product identifiers) or give the supplier the possibility to indicate that the information is not known (like the option to give 0.1-100% as concentration range). However, when it concerns the articles-as-such, detailed information beyond the name of the substance is usually not available in our industry. The required information on article category, material category and mixture category are not known for articles-as-such and cannot be gathered in time due to the complexity of the supply chains. Supply chains are complex, global, many parties are involved and often there is more than one supplier for a part. Contrary to ECHA's assertions¹ that the vast majority of articles do not contain SVHCs, to the best of our knowledge, all electronic products as well as many individual spare parts that contain one or more SVHCs above the 0.1%w/w in many sub-articles would have to be entered into the SCIP database.



Relevance of data

Electronics waste is treated separately under the WEEE Directive by specialist recyclers, and manufacturers already provide information as required through Article 15 of the WEEE Directive (e.g. via the I4R platform²). In the recycling process only very specific components (such as batteries) are manually removed before processing. The remaining parts go through designated sorting and treatment processes. When considering complex electronic equipment, the SVHC is mostly present in very small quantities in small sub-articles of the product (see product example in the Annex). Detailed information about these tiny sub-articles (article category, material category) is not considered useful for recyclers since knowledge of the presence of SVHCs usually would not change the final, often metallurgical, treatment process.



Legal mandate

The Waste Framework Directive requires suppliers to submit information required by REACH Article 33(1), which only requires to give safe use information with as a minimum the name of the substance. ECHA refers to recital 38 of the WFD, containing the goal of the database, as justification to ask more information. As explained above, the detailed information on articles-as-such is not actionable for

¹ ECHA press release, 18 November 2019: <https://echa.europa.eu/-/companies-need-to-improve-communication-of-hazardous-substances-in-products>

² The I4R platform provides treatment and recycling facilities and preparation for re-use operators with access to WEEE recycling information in line with the requirements of the WEEE Directive. The platform is recognized by the European Commission and welcomed by recyclers as a valuable source of information enabling efficient recycling of EEE, providing significant added value to the industry-supported collection schemes for end of life EEE: <https://i4r-platform.eu/>

recyclers and can therefore never be required to meet the goal of the database. Moreover, a recital can only help to shed light on the interpretation of a requirement. It can never in itself add requirements beyond the ones written in the legal text. REACH Article 33(1) requires “to provide sufficient information available to the supplier”. When information is not available, it cannot be provided. The current implementation of the SCIP database will reject the dossier if the mandatory data fields are not completed.



Conclusion & Recommendations

The provision and maintenance of the proposed level of data in the database will lead to an enormous number of articles to be submitted for which data collection from the supply chain will be a significant effort. The envisioned level of detail will not help achieve the legal objective (improvement of recycling process) and hence will create disproportionate burden. The fact that a submission to the SCIP database will be automatically rejected when a mandatory data field on sub-article level is missing is not in line with the legal requirements and likely to hamper upload of the REACH Article 33 related items to the database.

To ensure a workable implementation, while still serving the purpose of the database, DIGITALEUROPE urges to make the following change to the database requirements:

- » Instead of forcing the information (see annex for details) to be submitted on the level of the article-as-such, allow it to be submitted on the level available to the submitter (complex article in most cases).
- » The identification of SVHCs in the product must still be done on the level of the article-as-such.

We further call upon Member States, when transposing the WFD into national law, to adhere to the legal text of Article 9 WFD and only require data which is required by REACH Article 33 to be notified to the database without requiring a specific format or additional data.

Lastly, as stressed before³, it is crucial 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 support is provided, e.g. a database helpdesk.

We trust our concerns and proposed recommendations will be taken into account and we remain committed to constructively contribute to the work on developing the database.

³ DIGITALEUROPE recommendations (May 2019): <https://www.digitaleurope.org/resources/key-recommendations-for-the-development-of-the-svhc-database-by-echa/>

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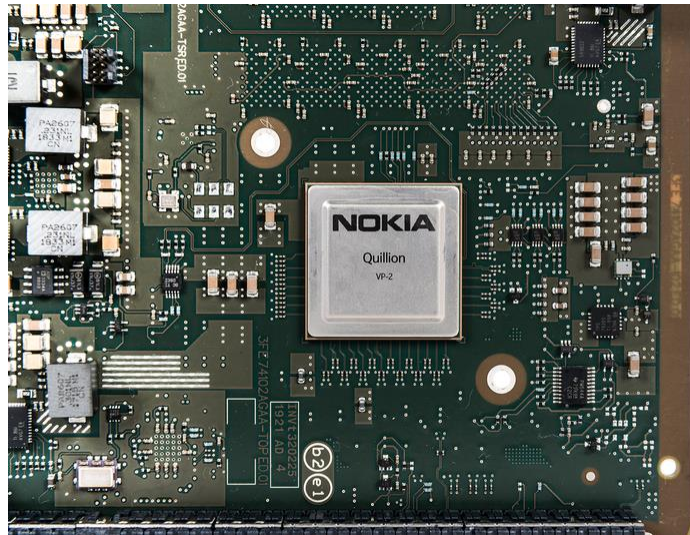
Annex

DIGITALEUROPE proposes to allow submission of the lowest level of a complex article available to the submitter. This means that information on several articles-as-such will be aggregated. The following data fields will be submitted on the level of the lowest available complex article for which information is available:

- » Article name and identifiers
- » Produced in the European Union
- » Article category
- » Picture, characteristics (optional)
- » Safe use instructions
- » Material / Mixture category (“other” can be used in case of different materials within the article)
- » Concentration range
- » Number of units

DIGITALEUROPE does not see any benefits that would make the efforts of mandatory submission on the level of article-as-such proportionate.

Example of a complex object with many levels of sub-articles



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.

DIGITALEUROPE Membership

Corporate Members

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National Trade Associations

Austria: IOÖ

Belarus: INFOPARK

Belgium: AGORIA

Croatia: Croatian

Chamber of Economy

Cyprus: CITEA

Denmark: DI Digital, IT

BRANCHEN, Dansk Erhverv

Estonia: ITL

Finland: TIF

France: AFNUM, Syntec

Numérique, Tech in France

Germany: BITKOM, ZVEI

Greece: SEPE

Hungary: IVSZ

Ireland: Technology Ireland

Italy: Anitec-Assinform

Lithuania: INFOBALT

Luxembourg: APSI

Netherlands: NLdigital, FIAR

Norway: Abelia

Poland: KIGEIT, PIIT, ZIPSEE

Portugal: AGEFE

Romania: ANIS, APDETIC

Slovakia: ITAS

Slovenia: GZS

Spain: AMETIC

Sweden: Teknikföretagen,

IT&Telekomföretagen

Switzerland: SWICO

Turkey: Digital Turkey Platform,

ECID

Ukraine: IT UKRAINE

United Kingdom: techUK