DIGITALEUROPE

Spare Parts Provision in SEAC Opinion regarding PFOA Restriction

Brussels, 7 April 2016

DIGITALEUROPE, the association representing the digital technology industry in Europe, welcomes the opportunity to provide further comments on the spare parts provision as currently contemplated by SEAC in its final opinion on the restriction of Perfluorooctanoic acid (PFOA), PFO-salts and PFO-related substances, adopted on 4 December 2015 and discussed during the stakeholder meeting organized by DG GROW on March 15th.

DIGITALEUROPE has been actively involved as a stakeholder in the process by providing regular feedback on the restriction dossier[1]. Therefore, we would like to further comment on the spare parts provision now that the EU Commission is in the process of drafting the final proposal for amending REACH Annex XVII, in order to ensure that the proposal fully reflects the 'repair as produced' principle.

As a reminder, OEMs of electronic products do not use PFOA directly for the manufacturing of electrotechnical products. Fluoropolymer is a key base material used in electronics and in various applications, yet we don't have a direct influence on the upstream process of chemical used for its manufacturing[2].

Current provision for spare parts in the SEAC opinion

Spare parts are designed and specified for the products they serve once placed on the market, and need to be available to users in order to extend product's life-time and avoid the premature ending of its full service life through maintenance, upgrading or repairing operations.

While DIGITALEUROPE has welcomed and acknowledged the spare parts provision provided for by SEAC in its opinion, we still have a concern with it as we believe it will impact the functionality of electronic products, in particular those that are used in telecommunications and data centers and that have extensive service lives.

For any electrical product with a long service life (which usually also has a long product development cycle during which all materials used are designed, specified and qualified prior to introduction to the market), the

1 See position papers at http://www.digitaleurope.org/DocumentDownload.aspx?Command=Core_Download&EntryId=1060 and http://www.digitaleurope.org/DocumentDownload.aspx?Command=Core_Download&EntryId=978

2 Examples include lithium-ion battery chemistry and wire coatings on transformers and in power supplies coated with fluoropolymers. Fluoropolymers are used as a low-loss material for high frequency applications like communications chips and printed circuit boards. The

2 Examples include lithium-ion battery chemistry and wire coatings on transformers and in power supplies coated with fluoropolymers. Fluoropolymers are used as a low-loss material for high frequency applications like communications chips and printed circuit boards. The same is valid for other electronic parts such as electrical switches, electromagnetic solenoid valves, transducers, magnetic separators, electrical insulators and capacitors. Fluoropolymers are also used in structural components of electronic products, such as washers and gaskets; anywhere where heat, electrical isolation and chemical resistance are needed.

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use of spare parts is key to its continued functioning. Our industry provides spare parts for these long service products, on average for 15 years.

RoHS "repair as produced "principle

The EU RoHS Directive, which regulates the restriction of hazardous substances in electronic equipment, foresees a specific provision for spare parts according to which substance restrictions do not apply to spare parts for the repair, the reuse, the updating of functionalities or upgrading of capacity of electronic products placed on the market before entry into force of the substance bans. This provision allows for the continued support by spare parts for the installed base of products they serve, without having to re-design, re-specify and re-qualify neither the spare part itself nor the product it is intended for. The SEAC opinion, as currently drafted, does not fully reflect the RoHS repair as produced principle. For long service products, this could cause premature disposal if a spare part cannot be made available anymore, at an excessive cost for the end user, as well as the disposal of the spare parts themselves.

Recommendation

Given that spare parts for electronic infrastructure equipment do not represent a large volume products, we would recommend that the spare part provision for articles fully reflects the 'repair as produced' principle as enshrined in the EU RoHS Directive. As such, we would recommend the spare part provision to read as follows: "the placing on the market of spare parts for the repair, reuse, updating of functionalities or upgrading of capacity of articles placed on the market for the first time before [date of entry into force]"

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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's members include 60 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: http://www.digitaleurope.org

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