

Position statement regarding the Revision of Lot 11 Fan Regulation (EU) 327/2011 'Spare parts exemption'

Brussels, 1 June 2015

DIGITALEUROPE welcomes the opportunity to provide comments on the draft working document for fans. DIGITALEUROPE requests that spare parts are excluded in accordance with the 'repair as produced principle' (as per RoHS^[1] and ELV^[2] Directives) instead of limiting the exemption to a fixed number of years. For the definition of a spare part intended to repair a product see the decision making tree below.

DIGITALEUROPE has put forward the same request under the revision of the EPS (EU 278/2009) regulation and requests alignment of regulatory principles across European regulations. This is essential to facilitate compliance, market surveillance and also the circular economy.

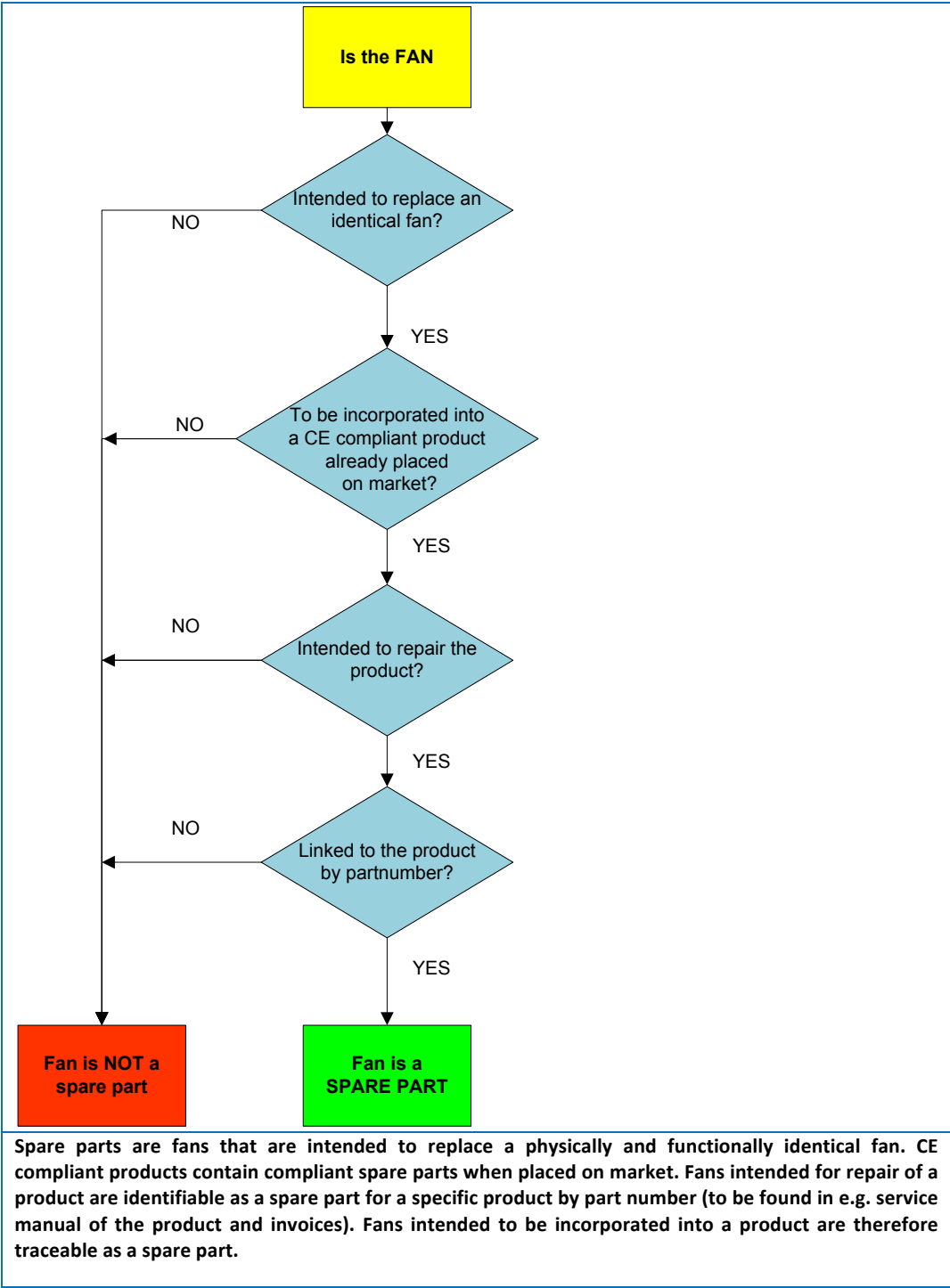
The availability of spare parts brings significant environmental benefits, as it guarantees longer product lifetimes and prevents waste generation, which is one of the core elements of the EU's resource efficiency policy and the EU waste hierarchy. Accordingly, the RoHS Directive covering all electronic and electric equipment including fans foresees a number of exclusions including one for spare parts used for the service, maintenance and repair of products already placed on the market before the entry into force of the substance restrictions. These derogations are known as the "repair as produced" principle and allow the prolongation of product lifetimes without manufactures or users having to carry any additional costs due to re-designing, re-testing, re-manufacturing or otherwise.

Q1.3 of the COM RoHS2 FAQ document states the following: "Cables, spare parts for the repair, the reuse, the updating of functionalities or upgrading of capacity for a specific product category, must comply from the same date as their respective product category. Following the principle of 'repair as produced', spare parts for the specific products already on the market before the dates mentioned above are exempted".

Finally, replacing a fan not designed for the original product may lead to safety risks and quality issues. Spare parts comprise only 1% of the market and only marginally contribute to the overall energy use of a product. Considering the environmental benefit, a spare part exclusion according to the 'repair as produced principle' for *fans incorporated into products* will greatly contribute to the circular economy.

[1] Recital 12 of Directive 2002/95/EC, later taken over in Recital 20 of Directive 2011/65/EU: As product reuse, refurbishment and extension of lifetime are beneficial, spare parts need to be available.

[2] Recital 2 of COM Decision 2005/438/EC amending Annex II to Directive 2000/53/EC: As product reuse, refurbishment and extension of lifetime are beneficial, spare parts need to be available for the repair of vehicles which were already put on the market on 1 July 2003.



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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 58 corporate members and 36 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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