



PFAS derogations requests for spare parts and pre-owned products

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41

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ASSOCIATIONS

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COMPANIES

Application area
Coatings
Printed circuit boards
High voltage/power applications
Cables and connectors
Components
Mechanical applications
Displays
Batteries
Fire prevention
Heat transfer
Chemical equipment
Chemicals
Others

*Excluding semiconductors, energy, medical, automotive, aerospace

Details
Capacitors, dielectric films
Electret films in microphones, sensors
Gaskets, sealing
Microphone/speaker vent membrane
Piezo in acoustical equipment
Rubber parts in image forming process in printers

- 1** Apart from proposed 12-year derogation for the semiconductor manufacturing process, **no derogations for the electronics sector**
 - No computing / communications products will meet 18 months transition period
 - Huge economic impact, business closures
- 2** **No derogation for spare parts** of existing products
 - No spare parts can be made available despite the requirement to do so under the EU Ecodesign directive/regulation
 - As is, restriction will lead to premature obsolescence of products on the market
- 3** **No derogation for refurbished or second-hand products** / articles already on the market

Use and emissions from electronics are less than 1% of the total PFAS use and emission

Derogation needed | Spare parts to repair consumer electronic products

7 years derogation needed to avoid premature obsolescence of existing consumer electronic products

- ▶▶ Impractical to design, qualify & produce PFAS-free spare parts for consumer products manufactured before PFAS restriction

Precedents in other REACH substance restrictions

- ▶▶ REACH restriction 68 on C9-C14 PFCAs (belong to PFAS family)

Compliance with other EU legislation

- ▶▶ EcoDesign regulation mandates spare parts for electronic displays until at least 7 years after placing the last unit on the market
- ▶▶ Guarantee obligations in proposed Right to Repair Directive

Impact of no exemption

- ▶▶ 77% of EU prefer to repair a consumer product than buy new one
- ▶▶ 30% of EU have repaired a product within past six months
- ▶▶ EU consumer electronics repair sector employs 104,000 people and generates 14.5 billion Euros revenues



ANNEX XVII TO REACH – Conditions of restriction

Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles

Entry 68
Linear and branched perfluorocarboxylic acids of the formula $C_nF_{2n+1}-C(=O)OH$ where $n = 8, 9, 10, 11, 12, \text{ or } 13$ (C9-C14 PFCAs), including their salts, and any combinations thereof;
Conditions of restriction
1. Shall not be manufactured, or placed on the market as substances on their own from 25 February 2023.
2. Shall not, from 25 February 2023, be used in, or placed on the market in: (a) another substance, as a constituent; (b) a mixture; (c) an article, except if the concentration in the substance, the mixture, or the article is below 25 ppb for the sum of C9-C14 PFCAs and their salts or 260 ppb for the sum of C9-C14 PFCA-related substances.
8. Paragraph 2 (c) shall apply from 31 December 2023 to: (a) semiconductors on their own; (b) semiconductors incorporated in semi-finished and finished electronic equipment.
9. Paragraph 2(c) shall apply from 31 December 2030 to semiconductors used in spare or replacement parts for finished electronic equipment placed on the market before 31 December 2023.

Derogation needed | Spare parts to repair professional B2B products

15 years derogation needed to avoid premature obsolescence of existing professional b2b electronic products

Additional considerations apply for equipment with long lifetimes (e.g. telecommunication networks, industrial HVAC, industrial printing,...)

- ▶▶ lifetimes and contracted maintenance periods usually extends to 10 to 15 years in the product's first application (up to 25 years in some cases)
- ▶▶ The availability of spare parts is essential to realize the lifetime potential of such products
- ▶▶ In many cases spare parts for professional users have already been manufactured and are commercially available for customers at short notice, which is often contracted

No drop-in replacements (especially for fluoropolymers)

- ▶▶ PFAS-free spare parts are not drop-in alternatives as dimensional changes from alternative materials generally necessitate product re-design
- ▶▶ For products that are no longer commercially available it is unrealistic to design PFAS-free spare parts

Extended 'repair as produced' provisions in EU legislation

- ▶▶ RoHS Directive Art. 4(4) + 4(5) provide that restrictions do not apply to spare parts for products that were placed on the market before an exemption expired, or spare parts recovered from products placed on the market before restrictions applied

Impractical to expect products manufactured before PFAS restriction to comply

- ▶▶ Without an exemption, resale of pre-owned products will be banned
- ▶▶ Functional products would be discarded as waste
- ▶▶ No additional PFAS emissions (products already on market)

Normal practice in EU regulations and directives

- ▶▶ REACH restrictions 68, 51, 45, 20, 19, 18a, etc
- ▶▶ Persistent Organic Pollutants (POPs) Regulation
- ▶▶ All CE Marking directives and regulations

Compliance with ESPR

- ▶▶ Requires products to be easier to refurbish and reuse products

Impact of no exemption

- ▶▶ No EU second-hand car sales (20% of components contain PFAS)



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Conditions of restriction
1. Shall not be manufactured, or placed on the market as substances on their own from 25 February 2023. 2. Shall not, from 25 February 2023, be used in, or placed on the market in: (a) another substance, as a constituent; (b) a mixture; (c) an article, except if the concentration in the substance, the mixture, or the article is below 25 ppb for the sum of C9-C14 PFCAs and their salts or 260 ppb for the sum of C9-C14 PFCA-related substances.
6. Paragraph 2(c) shall not apply to articles placed on the market before 25 February 2023.

Global support from 25 leading industry associations around the world



7 years derogation for spare parts to repair consumer electronic products

- ▶▶ What additional information is needed to substantiate this derogation?

15 years derogation for spare parts to repair professional B2B products

- ▶▶ What additional information is needed to substantiate this derogation?

Derogation for re-supply of pre-owned products

- ▶▶ What additional information is needed to substantiate this derogation?

General

- ▶▶ Has impact of PFAS restriction on circular economy, right to repair and product longevity been considered?
- ▶▶ How should we estimate the number of companies / people affected?
 - Number of companies that manufacture electronic products?
 - Number of people / companies that use electronic products?

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Thank you for your attention and feedback!

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