

Volvo Cars comments to PFAS proposal restriction

22 September 2023

General Comments

Volvo Cars wishes to provide comments on the consultation on the Annex XV restriction report related to the Restriction on the manufacture, placing on the market and use of PFASs.

Introduction

Volvo Cars manufactures premium vehicles, SUVs, station wagons, and sedans and aim to offer full electrification of our vehicles in foreseeable future. Volvo Cars have high standards regarding sustainability and fully shares the ambitions to reduce the use of PFAS substances to protect both people and the environment. However, Volvo Cars have some concerns regarding the restriction proposal when it comes to timeline and proposed derogations for appointed products and sub-uses.

Main concerns:

Volvo Cars main concerns with the proposed PFAS-restriction:

- Impact on vehicle type approval:
Automotive industry is a major downstream user with complex products, having thousands of applications with dependencies where PFASs functionalities have crucial impact on the vehicles safety and reliability. Cars require type approval according to the vehicle type approval regulation ((EU) 2018/858) before the product can be offered for the European market. Substituting PFASs could require product redevelopment, re-design with validation, approval, and implementation phases for crucial components, which take years to conduct and have its dependencies along the supply chain. It could also trigger the need for renewed vehicle type approval. This must be considered when regulating vehicle related PFAS applications and its functionalities.
- Timeline and implementation:
A very large number of PFASs are covered by the suggested restriction proposal, and phasing out that many substances will require time and effort. However, the timeline for the implementation of the restriction proposal is very short to cover all necessary steps of new development and approval phases where needed. For a successful implementation of this restriction proposal that minimizes the risk of regrettable substitution, we suggest taking a stepwise approach.
 - 1) In a first stage, we suggest adopting communication requirements for PFAS in the value chain, with the purpose of getting a clearer view of how these substances are used. Traceability of most of the PFASs in scope of the proposal has not previously been required by any regulation, and therefore PFAS occurrences are still partly unknown.
 - 2) When current uses of the PFASs in scope have been identified, the functionality of the uses and possible substitutes need to be assessed. A switch to alternative solutions without proper investigations could risk regrettable substitution from a broader sustainability and health perspective, which needs to be avoided. After that, potential derogations can be considered for the uses where there are no alternatives available with focus on risks and technical prerequisites.

- 3) When relevant derogations have been identified, the phase out of PFASs not covered by any derogations can start. Substitution of PFASs in our products require redevelopment, verification, validation, and implementation. The change of some parts could, as well, trigger the need for recertification towards emission legislations and safety type approvals.
 - 4) Suggested derogations should be subject to review after a selected period, to assess the maturity of alternative solutions. Additional derogations can be needed as more information on uses appears. We therefore suggest that the restriction list should not be considered as a static document, but instead be updated as new information comes into light and depending on the maturity of alternative solutions.
- Derogations for products placed on the market before entry into force (EiF):
From our understanding, the proposed restriction will affect products already in production and their spare parts. This could mean that PFAS containing products placed on the market before EiF could not be resold but would need to be scrapped in advance. The restriction could also affect the safety, reliability and lifetime of products placed on the market before EiF, as it might hinder maintenance and reparations, and access to spare parts. This would be in contradiction with the goals of the Green Deal. It would also impact possibilities to act in line with own company objectives to limit use of resources if components cannot be reused, for example by remanufacturing and other ambitions related to circularity. We therefore propose a derogation for products placed on the market before the restriction EiF and for its spare parts during its lifetime.
 - Spare Parts & Maintenance, Legacy spare parts
Vehicles have long lifetimes, and must be serviced, repaired, and maintained to guarantee their function, safety, and reliability. Producers of vehicles must ensure availability of service and spare parts for many years. Within the ELV directive, this has been resolved via the decided “repair as produced principle”. With the suggested restriction proposal on PFASs, availability of spare parts and maintenance can no longer be ensured after EiF for products in production or after production. Volvo Cars therefore suggest a full derogation of all spare parts to enable long lifetimes and circularity.
 - Appropriate substitutes
It must be recognized that there can be multiple uses of a single PFAS substance with different purposes/functionality. Thus, there is likely not a single substitute that can be applied to all functionalities of a PFAS. Each application needs to be verified based on its requirements and functions.
 - Identification of PFASs in scope of the restriction:
Previous substance restrictions have used CAS numbers to identify the substances to be restricted. Here, no CAS numbers have been included in the restriction proposal to identify the substances with, but instead chemical structures have been used. Our current systems of identifying substances in our value chain are based on CAS numbers. Time and guidance from the authorities are needed to update these systems to allow for searches based on chemical structure.

1 Sectors and (sub-)uses:

Relevant sectors: Vehicles such as SUVs, station wagons, and sedans. PFAS dependent vehicle sub-uses are e.g., batteries, refrigerants, electronics, sealings, barriers, coatings and lubricants.