


Analysis of comments from
public call for input –
Waste Framework Directive database
on articles containing
Candidate List substances



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1. Executive summary

From 20 September to 9 October 2018, ECHA held a public call¹ for input on its first draft scenario² for the future database on articles containing candidate list substances. 118 responses were received from 12 different EU Member States and 5 non-EU countries. Most respondents were representatives of industry associations or individual companies, although public authorities, potential users of the database (including waste treatment operators, consumer associations), environmental NGOs and academics provided responses.

This report provides an analysis of the responses received; summarised as follows:

- 1) The **article-centric approach** was fully or broadly supported by the majority of the 67 respondents that commented on it, with a few specific concerns raised and alternative approaches proposed.
- 2) The following **challenges** to implement the proposed scenario were highlighted:
 - a. Concerns over data quality, integrity and validation, with respondents questioning responsibility for maintaining and updating the database.
 - b. The administrative and financial impact on businesses was raised by industry. 19 respondents also highlighted potential competitiveness disadvantages.
 - c. 18% of respondents from across all sectors (including government and NGOs) are concerned that current proposals expose commercially sensitive information.
 - d. The need for data security was discussed by six respondents from across a number of sectors.
 - e. How compliance will be assured and concern that a lack of compliance in any one area could lead to an unreliable database.
- 3) Regarding the tailoring of the **notification system**, most of the respondents agreed with the proposal to use a unique identifier. Some believe a barcode approach would be the easiest solution to link information in the database to the physical articles, although four stakeholders noted the difficulty with using barcodes. Several respondents proposed the use of specific standards (such as IPC1752A/B), although there was no consensus as to which one.
- 4) The main **data submitter needs** noted by the respondents were:
 - a. Data should be easy to upload, with a range of propositions made regarding upload format and requirements.
 - b. Training, guidance documents, and/or online support should be provided.
 - c. The issue of language was highlighted in a total of 17 responses. Suggestions were for multiple languages as well as translation between languages.
- 5) The discussions around **user needs** focused mainly on the following:
 - a. A user-friendly interface with search functions was requested by most respondents, but the public availability of data was a controversial point.
 - b. Although many responses were supportive of ECHA's draft scenario, many stakeholders do not anticipate the use of detailed information from the database by waste operators. There was no consensus as to which level of information is needed, including among waste operators themselves. The importance of a durable, physical mark directly on articles was discussed.
 - c. Aggregated data could be used to educate and advise consumers, but product

¹ https://echa.europa.eu/view-article/-/journal_content/title/echa-weekly-26-september-2018

² https://echa.europa.eu/documents/10162/24198999/scenario_en.pdf/3021c958-d5f3-e618-5e05-be59b139822c

- names are needed for informed purchasing choices and/or for routing of waste.
- d. Sectors directly using secondary raw materials focused on practical issues in their responses and suggested limiting database complexity.
- 6) Some industry responses said that **information requirements** should be limited to what is listed in Article 33, i.e. the substance name and safe use information. In addition, quantity and/or concentration (or concentration range) of substances in the article was requested by several respondents. Responses on risk and safe use information diverged, with information on safe removal, standard phrases for safe use instructions and information on potential exposure being controversial. Many respondents across different industries highlighted overlaps with existing legislation and reporting/database systems.
 - 7) Some feedback received discussed who should be obliged to provide notifications to the database (**duty holders**), including alternative suggestions (e.g. excluding assemblers or anyone except importers/producers of final products; or allowing additional groups such as non-EU suppliers to submit data).

The analysis also focused on comments relevant to the **long-term vision or strategy** of the database, across questions. Many responses discuss the scope of the substances covered, ranging from only Candidate List substances and a focus on waste operator requirements, to a future expansion of the database to other substances, up to full material declarations. Also, the implications of the global impact of the database, the variability of product lifetimes and modifications during product life on the vision for the database were discussed.

In **conclusion**, respondents have highlighted key concerns across questions, which should be considered by ECHA in their further work on the database as far as possible. These include how to ensure data quality, updates and compliance, balancing the impact on businesses with the potential usefulness of detailed data, as well as exploring synergies and duplication with existing standards, legislation and reporting/database systems.

Some responses ask for further investigation of waste operators' information needs and solutions to link information in the database to the physical articles.

In terms of the technical implementation of the database, key recommendations include easy and flexible data uploads, support to duty holders, translation between languages, and a user-friendly interface with powerful search functions.

Development of the database should also aim to accommodate potential future changes. Developing a clear action plan for implementation of the database in order to both meet current deadlines and to create future efficiencies and improvements, while addressing stakeholder needs, could support implementation and uptake.

2. Overview

The revised Waste Framework Directive (WFD)³, which came into force in July 2018, contains new regulatory tasks for ECHA under Article 9(2). The tasks consist of setting up a database of articles that contain Candidate List substances (i.e., substances of very high concern, SVHC) and making available this information to waste treatment operators and consumers. ECHA has stated deadlines for each part of the process, the first being to establish a database by 5 January 2020.

The future database complements the current communication and notification obligations related to the Candidate List substances in articles, under Articles 33 and 7(2) of the REACH Regulation⁴, and should reinforce compliance with these obligations. The aim is to improve the availability of relevant information on articles containing Candidate List substances to waste treatment operators and consumers.

ECHA held a public call⁵ for input on the future database in September/October 2018. The objective of the public call for input was to gauge response to ECHA's first draft scenario for the database⁶. A preliminary analysis of the responses was conducted by ECHA and presented at a workshop on the database on 22-23 October in Helsinki⁷.

The present document aims to provide a more in-depth analysis of the comments received. It is structured as follows. First, Section 3 provides a brief overview of the geographical and sectoral distribution of the respondents. Section 4 then analyses the responses for each of the questions posed in ECHA's call for input (a full list of the questions is provided in Appendix 1). In addition to this, comments relevant to the long-term vision or strategy of the database, across questions, are summarised in Section 5. Conclusions are drawn in Section 6.

³ [Directive \(EU\) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste](#)

⁴ [Regulation \(EC\) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals \(REACH\) / Candidate List substances in articles](#) [dedicated webpage](#)

⁵ See ECHA website: https://echa.europa.eu/view-article/-/journal_content/title/echa-weekly-26-september-2018

⁶ https://echa.europa.eu/documents/10162/24198999/scenario_en.pdf/3021c958-d5f3-e618-5e05-be59b139822c; Technical supporting document: https://echa.europa.eu/documents/10162/24198999/technical_annex_en.pdf/fd3dd13c-dc53-d5d4-b1ee-015307ed0331

⁷ <https://echa.europa.eu/-/workshop-on-waste-framework-directive-database-22-23-10-2018>

3. Analysis of respondents

This section briefly describes the attributes of the respondents to ECHA's call for input. High-level trends in the responses for each stakeholder group are also noted.

ECHA's call for input on proposals for the database received 118 responses. As shown in Figure 1, most respondents are potential duty holders in industry (75 respondents, equivalent to 64% of the responses received). These responses were mostly critical of ECHA's draft scenario, as discussed further below.

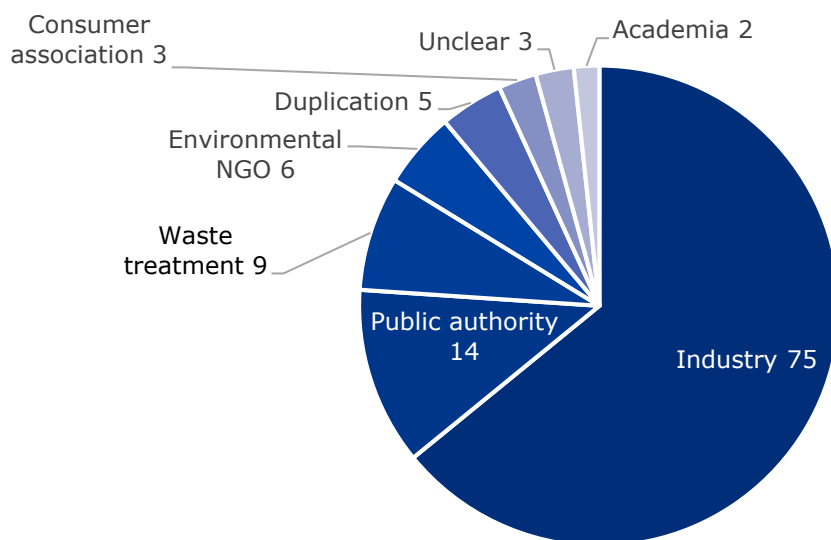


Figure 1: Number of respondents by type of organisation

Public authorities, with 14 respondents, or 12% of all responses received, had the second-most respondents. These responses were mixed in their support of ECHA's draft scenario.

Responses were also received from potential users of the database: 9 responses from waste treatment associations or operators and 3 responses from consumer associations. Most of their responses were very supportive of ECHA's draft scenario, although some waste treatment operators called the usefulness of the database for their own operation into question.

Other organisations included environmental NGOs (6) and academics (2). Most, but not all, of these respondents were supportive of ECHA's draft scenario.

5 respondents were duplicates (i.e. multiple responses from the same organisation) and for 3 respondents the organisation was unclear.

A further breakdown by sector of the respondents from industry is shown in Figure 2. Most industry responses came from the electronics (13 responses), multisectoral associations⁸ (8) and chemicals (7) sectors. Respondents from industry were mostly critical of ECHA's draft scenario. Most were concerned about the potential administrative burden and associated costs and stressed that no impact assessment on the database was carried out when the Waste Framework Directive was being revised.

European industry includes a number of key industrial sectors including automotive, aerospace, defence, chemicals and food and drink⁹. As shown by figure 2, all of these sectors

⁸ These include chambers of commerce, services and industry, and non-sector-specific associations for trade.

⁹ <http://www.economywatch.com/world-industries/european-industry.html>

were represented directly by the consultation exercise.

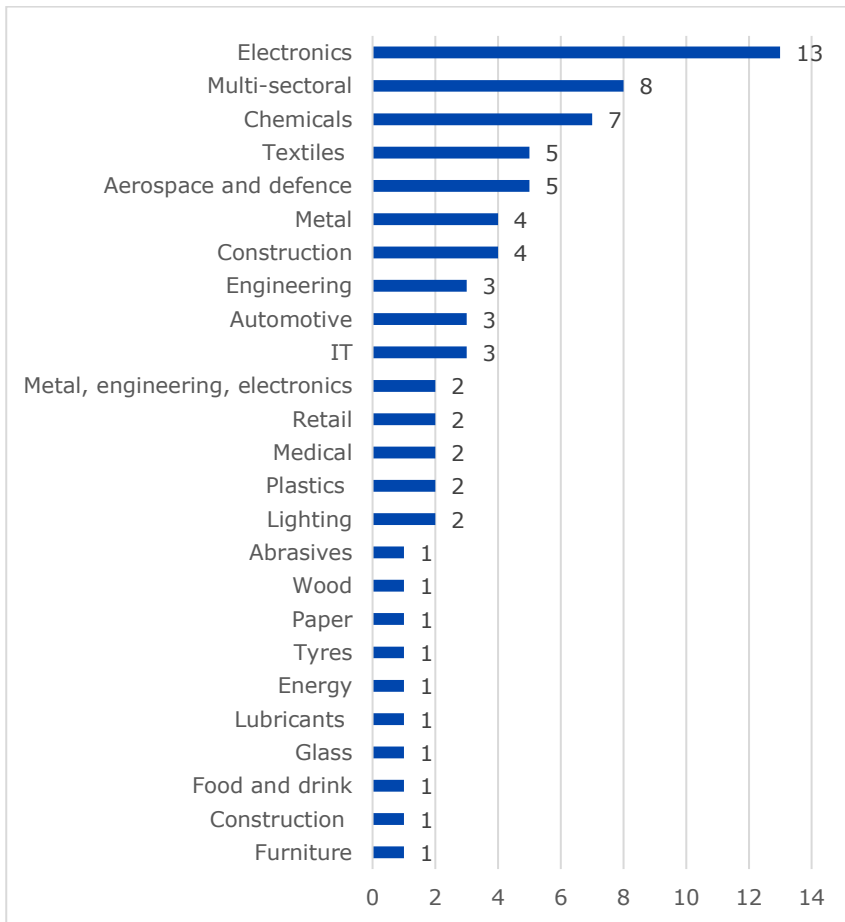


Figure 2: Number of respondents from industry by sector

As shown in Figure 3, over 90% of the responses came from EU-countries. Belgium accounts for 34 responses, most of which come from Brussels-based European-wide industry associations. The next most responses came from Germany (16), Finland (13) and Sweden (12). 11 responses were received from non-EU countries, 5 of which were from the United States.

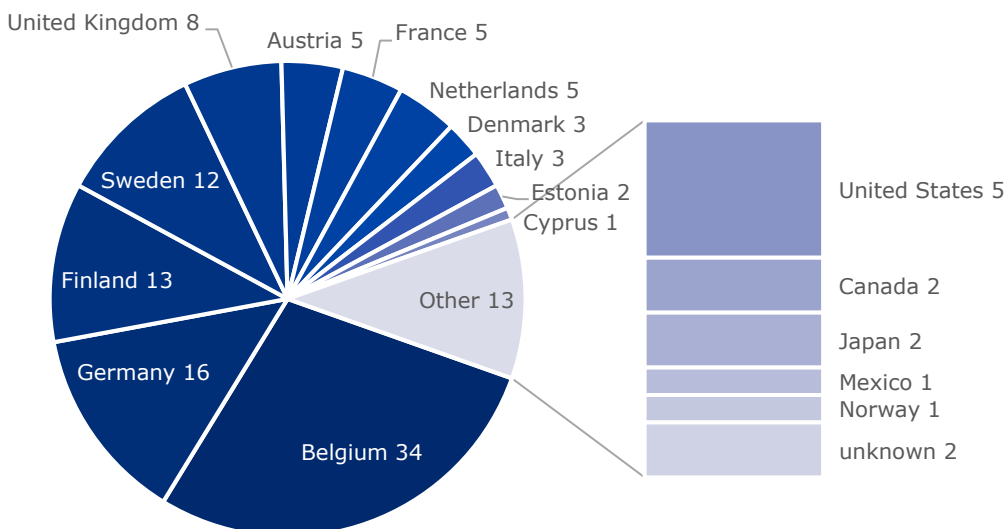


Figure 3: Number of respondents by country

4. Breakdown from individual questions

ECHA's call for input sought stakeholder views on 6 main themes relating to ECHA's first draft scenario for the database:

1. The appropriateness of the proposed "article-centric approach";
2. The main challenges to implement the proposed scenario;
3. Tailoring the notification system;
4. Specific needs of data submitters;
5. Specific needs of potential users of the data;
6. Which information should be required to be submitted to the database.

This section analyses the responses for each of these questions posed in ECHA's call for input (a full list of the questions is provided in Appendix 1). The responses also included alternative suggestions regarding who should be the duty holders (i.e. those organisations with a duty to submit data to the database); these views are also presented, for completeness.

4.1 Article-centric approach

ECHA proposes an "article-centric approach" to implement the new notification obligations under the Waste Framework Directive. Do you find this as an appropriate way forward?

67 respondents commented on the article-centric approach, the majority of which were fully or broadly supportive. However, 9 respondents from multiple sectors were critical and challenged the practical usefulness of the information at article level for consumers, waste operators and public authorities. A steel sector respondent commented that it "might be workable for simple products/articles but it could turn to be counterproductive for complex products".

Other specific concerns were raised including:

- Administrative burden - There were many concerns that this may result in additional administrative burden and costs for the industry because existing obligations under REACH 7(2) and RoHS are based on a substance-centric approach.
- Producers of complex products (including those from the automotive and aerospace sectors) expressed concern about the volume of information required from an article-centric approach.
- Concern was raised that an article-centric approach would require submission of data at each individual step of the supply chain, resulting in potential duplication of information within the database.
- Feedback also showed that there are concerns about the burden involved in adapting existing tools to cover material-based and item-based categorisations.

Alternative approaches were cited in a few cases:

- Some supported using the substance-centric approach used by REACH for efficiency and continuity/harmonisation across legislation.
- Some referred to different interpretations of the regulations (REACH Articles 7 and 33, WFD Article 9) and how they should be applied, namely that the information should be

collected at product (item) level, or even at category/family level, rather than at article level¹⁰.

- Others proposed an approach that allows for solutions to be tailored to the different circumstances of each sector in relation to their products' longevity, durability and complexity.

4.2 Challenges

What would be, in your view, the main challenges to implement the proposed scenario?

4.2.1 Ensuring data quality, integrity and validation

Although the responsibility for data accuracy remains with each duty holder, we note that concern over data quality was voiced by stakeholders across sectors. The concern voiced was that unless data within the database is "complete" (including imported articles) and up to date, waste operators will not use it. However, other respondents suggested that waste operators require aggregated information only rather than detail, which is discussed further in Section 4.5.

Some challenges were highlighted:

- Large volumes of data – an electronics manufacturing trade association expressed concern that this could lead to non-compliance in parts.
- Shortcuts – a respondent from the paper industry considered that the use of standard blocks of information (rather than input of new data) could lead to inaccuracies.
- Downstream impact – there was a generally held concern that downstream actors will be impacted if upstream actors do not enter information.
- Responsibility for maintenance – particularly updates to the Candidate List every six months, but also subsequent revisions and additions to article entries are seen as a challenge.

Maintaining information across the entire life cycle was thought to represent a challenge by many stakeholders (e.g. automotive, aerospace, construction). Concern was raised specifically around the replacement of component articles where products are already designed for multiple uses. In these instances, repair and maintenance might result in the SVHC content of individual products changing, leading to either duplications or data redundancy.

Greater clarity was called for (by a furniture producer) on the intentions relating to second-hand goods with a request that reporting requirements be the same for "virgin, recycled and re-used materials".

Data validation was identified as a concern in four responses from different sectors, with emphasis on the potential difficulty of ensuring compliance by importers.

¹⁰ We note that ECHA has already indicated that this would not be in line with the European Court of Justice judgement on the communication and notification obligations of companies when Candidate List substances are contained in articles. The judgment of the Court of Justice in case C-106/14 is available at:
<http://curia.europa.eu/juris/liste.jsf?language=en&td=ALL&num=C-106/14>

4.2.2 Impact on businesses

A quarter of respondents (mostly from industry, but also a Member State Authority and a waste treatment operator's association) have indicated that the lack of an impact assessment to date is concerning, and further, goes against the requirements of the Better Regulation agenda. Several areas of likely impact have been highlighted by these respondents and are discussed in more detail below.

Financial burden

Respondents have indicated that a budgetary impact of implementation is likely to arise from extra administration, additional testing requirements to gather data and system upgrades. Specific responses from the automotive and electronics sectors indicated that these costs could directly impact planned investments in their industry.

One respondent proposed the use of online or cloud-based tools to avoid the need to download new software which could be associated with a cost.

Competitive disadvantage

Perceptions of competitive disadvantage arising from different requirements for EU and non-EU producers, were highlighted by 19 respondents.

A producer from the aerospace sector and a retail trade association both highlighted the dependency of EU producers on articles from non-EU producers. However, many respondents raised concerns about gathering data for imported articles and for ensuring participation of non-EU companies. In particular:

- A chemicals sector trade association noted the difficulty of capturing sufficient, accurate data when part of the supply chain lies outside of the EU.
- A level playing field between EU and non-EU suppliers was requested by a representative of the automotive industry, but no further detail was provided regarding how ECHA's proposal would not guarantee that.
- A non-EU electronics trade association highlighted that successive suppliers of articles will benefit from submission from the first importers.
- Ten respondents from across industry raised concerns that implementation would be particularly burdensome for SMEs, resulting in uneven impacts.

4.2.3 Confidentiality and data sensitivity

A total of 21 respondents from multiple sectors, government departments, and NGOs raised concerns that current proposals could expose commercially sensitive information. The type of information viewed as commercially sensitive varied but included:

- Company name and address (automotive and textile sectors)
- Tradenames (electronics sector)
- Supply chains and relationships (various)¹¹
- Production process (textiles sector)
- Product composition (chemicals sector)

Three responses from the chemicals and plastics sector flagged the potential for stigmatising

¹¹ ECHA has clarified that links between actors in the same supply chain will not be made publicly available.

products containing SVHCs through the release of sensitive data to the public.

Several industry sector respondents suggested that the article-centric approach potentially exposes sensitive product information to competitors. A steel sector respondent proposed that limiting public access will help to protect data.

4.2.4 Data security

The need for data security was discussed by six respondents from across a number of sectors. A steel sector contributor recommends a “robust and safe architecture” and another proposes that database encryption through blockchain (restricting access to information at various levels) has the potential to address these concerns.

4.2.5 Non-compliance and enforcement

The question of how ECHA and national authorities will ensure compliance was raised. Provision by all duty-holders of valid and standardised information was expected to be challenging with the predicted result being non-compliance with the regulations in some areas. There are concerns that a lack of compliance in any one area would result in an incomplete and therefore unreliable database.

4.3 Notification System Tailoring

The legal text requires any supplier of an article containing a Candidate List substance to notify ECHA. Are there needs and practical means to tailor the notification system for the different roles in supply chains?

In the draft scenario, ECHA proposed the use, on a voluntary basis, of a unique identifier allocated to each item (article or complex object) to facilitate supply chain communication and identify upstream entries. This is hoped to lead to lighter submission requirements, less duplication, easier dissemination and increasing compliance. The unique identifier could be combined with other existing identifiers.

Most of the responses agreed with the proposal of a unique identifier. Some believe a barcode approach would be the easiest solution for all actors to link information in the database to the physical articles. However, four stakeholder noted the difficulties with using barcodes, for instance because it is typically used for consumer articles/items only. Several respondents proposed to use or align the unique identifiers with specific standards, e.g. IPC-1752A, however, there was no consensus as to which one.

The feedback received consisted of general confirmation of the approach with some specific issues raised:

- A request to provide importers or producers of complex objects with “the option to declare without referring to unique identifiers of the articles contained”.
- Concerns over the likelihood of waste operators receiving broken, shredded or incomplete articles, making it unlikely that a physical identifier will be present/legible.
- If information on the articles is on the packaging, how will waste operators access such information if they receive items already unpackaged or in different packaging.
- Downstream suppliers could be blocked by upstream actors not entering information. Clarity was requested regarding how a unique identifier for articles/complex objects will be generated in these instances.
- An electronics sector respondent raised concern over the unique identifier exposing

confidential business information.

4.4 Data Submitter Needs

Do data submitters have specific needs, which the Agency would have to consider when designing the database and its data submission interface?

Key comments for this section fall under two headings, which are discussed in more detail in the following sub-sections: IT interface and language.

A handful of responses (mostly from industry, one from a public authority) recommended to provide training, guidance documents, and/or online support for data submitters.

4.4.1 IT interface

As noted earlier in this report, there is widespread concern over the large number of notifications expected to be required, leading to significant administrative work for data providers. The requirement that the database be simple-to-use is not surprisingly emphasised. In particular, responses suggest that data should be easy to upload, download, search and read. This is thought to be especially important for complex objects.

Respondents have requested that the platform has a user-friendly interface. Some suggestions to achieve this include:

- A “well-functioning and easy to use search system” (discussed in more detail in Section 4.5).
- Industrial users strongly requested that “mandatory input fields should be limited”.
- Bulk, electronic upload of declarations (for example XML based) for large submissions.
- Download function to enable links to companies’ own systems.
- Option for free text.

Potential efficiencies were proposed in a few areas including:

- Enabling simultaneous submission of data to AskREACH and the SVHC database.
- Functionality to upload by product family.
- Upload of information from tools following existing standards “without any additional efforts”.
- Automatic upload via interfaces.

4.4.2 Language

The issue of language was highlighted in a total of 17 responses, with European companies emphasising the need for the database to be available in all EU languages, while non-EU industries preferred availability in English alone.

Two responses, both from public authorities within Europe, raised concerns that many suppliers and waste operators are unaware of the English terminology used by REACH or Health and Safety legislation. A government department indicated that implementation of IUCLID and REACH-IT will be complex for suppliers and waste operators due to the language barrier.

The overriding suggestion was that for the database to be widely used and accepted, it needs to be available in a language understood by all users. This was reiterated by a manufacturing company from the US, who noted that an article supplier in one country will likely upload the information in their own language. Although not specifically discussed, this suggests the need not just for multiple languages but for efficient and accurate translation between languages.

4.5 User Needs

Do users have specific needs, which the Agency would have to consider when designing the database?

Most answers to this question stressed the different needs for different user groups. These are discussed in more detail in the following subsections. The main issues raised under this question that were not related to a specific user group were:

- The ultimate usability of database: Several responses called for a user-friendly interface with “well-functioning and easy to use search system” with opportunity to “search/filter by product groups and producer”, as well as by “substance/SVHC”, and with smart outputs to “avoid multiple search results for the same product that has many suppliers” and “download function in different formats (xlsx, html, ...)”. These responses came from different types of organisations and sectors.
- Public availability of data: There were conflicting responses with various types of organisations and sectors emphasising the importance of the database being easily accessible and available to all users, and many others (from various industry sectors) raising concerns over this exposing confidential information to competitors. There is a requirement for ECHA to protect such information if they want to secure the compliance of all users.

4.5.1 Waste and recycling operators

A *third of all respondents* to the consultation commented on the challenges they perceived to be facing waste operators. A total of nine of these responses were received from the waste management and recycling sector itself, and most were either supportive or very supportive of ECHA’s draft scenario.

All sectors, including some waste operators, suggested that based on current practices it is potentially unrealistic to expect extensive, detailed use of the database by waste operators, especially for complex articles and heterogeneous waste streams. However, a few disagreed, noting that recyclers should receive *more detailed* information than consumers, particularly on the substances within complex objects. Among waste operators in particular there was also no consensus as to what level of information is needed.

In addition, some respondents suggested these users require:

- Information on the basic material, SVHC content (including concentration ranges) or waste stream for articles (according to various stakeholders including some waste operators).
- Further processing of the database to yield aggregated data for common articles or, in the case of complex objects by group/waste stream (according to various stakeholders including some waste operators). Waste operators noted in particular the need for coherence with categorisations under the WEEE and ELV directives.
- Instructions for disassembly and treatment, and location of SVHC within complex articles (according to various stakeholders including some waste operators). However, some waste operators noted that rules for depollution and treatment of the particularly problematic waste streams of complex articles are already described in the specific legislation (WEEE and ELV).

16 responses highlighted the importance of a durable, physical mark directly on articles and not just packaging. They raised concerns over how legible the marks would be at end of life. This is not only relevant for small articles, but also for those bulked and shredded or damaged.

Responses from the construction, automotive, electronics and paper industries were concerned

that the end-of-life stages of their products commonly results in cross contamination or mixing of materials, making it difficult to separate and identify individual articles. Waste operators themselves however were more concerned over the state of items they receive when at the end of their life cycle – how can they identify broken or just parts of articles?

4.5.2 Consumers

Feedback relating to the information needs of consumers suggested that, whilst aggregated data could be used to raise awareness and advise consumers, a clear identification of the exact item placed on the market would facilitate informed purchasing choices and routing of waste.

The three responses received from consumer associations highlighted in particular a need for compatibility with AskREACH and for allowing comparisons across and within product groups or categories using a unique article identifier and/or producer/brand names.

Proposed specific data requirements varied widely (with no clear trends across different types of organisations/sectors) with requests for:

- Common substance names.
- Brand names for products.
- Guidance to reduce exposure and enable safe use (e.g. hazard group and properties).
- Guidance on safe recycling or disposal

Regarding database usability, most responses called for:

- An easy-to-access, mobile interface.
- The ability to search in a variety of ways, e.g. by product type, name, substance.
- Ability to make article comparisons.

Some responses from industry questioned the usefulness of detailed data for consumers because they suggest:

- The data complexity is too high for consumers to process.
- For consumers safety information has already been provided by labelling, online information, etc.
- Consumers already have information rights from suppliers/distributors under REACH which are rarely taken advantage of.

4.5.3 Sectors directly using secondary raw materials

A separate analysis was carried out on stakeholders who can directly use secondary raw materials within their processes. This included respondents from the metals (steel and aluminium), pulp and paper, tyres, steel and construction industries. Generally, these respondents focused on practical issues in their responses, noting that:

- The “focus should be to safeguard the recyclability of the waste stream rather than an individual article”.
- The oversupply of information would be “counterproductive” if users are not used to information on SVHC
- Two respondents also suggested that consumer interests should be solved by other means, i.e. the database is not seen as an appropriate means to solve consumers’ interests.

4.6 Information Requirements

Besides the substance name, which additional information should be submitted to support safe use and end-of-life stage of articles?

Several responses from industry (across various sectors) highlighted that information requirements should be kept to what is listed in Article 33, i.e. the substance name and safe use information.

Function, quantity and/or concentration (or concentration range) of substances in the article was requested by several respondents from across all sectors.

Regarding health and safety information (e.g. hazard category, exposure risk, safe use information), responses diverged considerably across different groups of stakeholders. Responses from the waste sector and some public authorities called for information on safe removal of SVHCs from articles and some supported standard phrases for safe use instructions. However a few responses from industry argued that waste operations safety practices should be defined by the waste industry itself rather than this being the database's role. Some consumer associations, NGOs and public authorities requested information on expected release during service life, exposure studies and guidance to reduce exposure.

Specific sectors (notably the aerospace industry) highlighted that safe use for their products is only relevant for their customers, who are already informed by other mechanisms.

Consumer groups considered the opportunity for the database to be used more widely through the inclusion of full material declarations¹².

Some respondents (mostly public authorities) suggested that the database could be expanded to include substances other than Candidate List substances in the future. This is discussed further in Section 5.

A few responses from public authorities suggested that the time of the submission, production or placing on the market should be included.

Other comments primarily concerned product / producer-specific details, or overlap with existing legislation. These are discussed in more detail below.

4.6.1 Product / producer-specific details

Some respondents (from various stakeholder groups) requested key details considered by others (generally industry) to be proprietary, including:

- Article-categorisation. Most responses recommend use of existing codes, but diverge with regard to which one. CN codes or GS1 bar codes are recommended in several responses but also UNSPC codes and GPC codes are mentioned. Other responses do not name specific codes but propose to base these on user needs (e.g. waste streams, product types for consumers).
- Product names, with consumer groups calling for "names that consumers use when shopping".
- Customer name or registration number
- Customer part number
- Location of the SVHC containing article

¹² The % weight of each individual material in the article and the % weight of each substance in each material.

- Instructions for removal of articles containing SVHCs.

4.6.2 Overlap with existing legislation

23% of respondents across different industries have expressed concern that they will be required to submit data that they are already supplying elsewhere.

Concerns were raised that this could lead to duplication of information potentially available elsewhere. For example, safety information is already available on product labels, instructions and online for the electronics industry. They questioned whether the database will be used to access this information.

Specific to the automobile industry, all materials used for manufacturing are collected, maintained, analysed and archived via/in the International Material Data System (IMDS). One respondent from this sector highlighted that complying with ECHA's database would mean double the work for them to duplicate what they have already provided to IMDS.

Several responses highlighted overlaps with information requirements of other EU reporting obligations (e.g. for REACH Article 33, RoHS, Ecodesign or WEEE). They highlighted concerns that the systems and tools used will be incompatible. A small electronics company proposed that the new database would undermine REACH by suggesting that the current process of passing information through the supply chain is inadequate.

4.7 Duty holders

Feedback received included some alternative suggestions (e.g. the obligation should not apply to assemblers or only to importers or producers of final products as defined in waste legislation). However, this may not be consistent with the duty holders defined by the legal specifications for the database, as listed in ECHA's draft scenario. Other responses suggested that non-EU suppliers of articles or complex objects should be allowed to submit data.

- A trade association for mechanical and electronics articles suggested that articles imported directly by consumers through non-EU online retailers should be included.
- A government department suggested that the responsibility should be limited to those placing goods on the market first and not to all suppliers.
- A construction sector respondent emphasised the difference between suppliers and distributors and their access to product information.

5. Long term vision/strategy

The long-term vision has been identified by ECHA as a particular interest for further developing its scenario for the database. The feedback from stakeholders that provided indication on the long-term vision for the database is therefore summarised below:

- **Strategy for the scope of the database:**
A **staged rollout** approach with initial obligations limited to certain actors or starting with voluntary participation or "limited only to Candidate List substances" was proposed. Subsequent expansion across the supply chain would allow for learning and evaluation of recent technologies (e.g. blockchain techniques) based on experience gained. The database should be designed in a way that allows other regulated substances (e.g. POPs) and substances impeding recycling to be included. Special consideration could be made for future **updates to the Candidate list**, with particular focus on substances most important to the circular economy. In the longer term, the potential for the database to become a single point of information on substances in articles was highlighted (**full material declarations**);

particularly if some materials are detailed on a voluntary basis. Several respondents proposed that a primary focus could be the development of **common standards for producing articles or waste management** across the EU.

- **Considering product lifecycles in the strategy/vision:** Responses from across all stakeholder groups have shown that the vision for the database must account for **product lifetimes and any modifications** users make, because these strongly affect the attributes of the article in the long term, between it being entered into the database and it being received by waste treatment operators. The vast **difference between article and product lifecycles** (e.g. a ream of paper vs. a car) means that a one-size-fits-all solution cannot easily “meet the needs of the various waste operators, and ... relevant consumers”.
- **Global vision:** Non-EU stakeholders emphasised the potentially significant impact if the database was adopted globally. However, without sufficient explanation outside the EU, the database risks being a non-tariff barrier to trade.

6. Conclusions

ECHA’s call for input on proposals for the database received 118 responses from across 12 EU Member States and 5 non-EU countries with heavy representation from potential duty holders of the database (industry) as well as public authorities, waste treatment operators, consumer associations, environmental NGOs and individuals.

Respondents have highlighted key concerns which should be considered by ECHA in their further work on the database as far as possible:

- The article-centric approach has largely been supported, but several respondents have voiced concerns and argued for a substance-centric approach.
- Careful consideration has to be given to how the quality and updates of the data as well as compliance with the notification requirements can be ensured – only a complete and up-to-date database will be useful.
- Across various questions discussed in this report, the need emerges for a balancing act between on the one hand minimising administrative and financial impact on businesses, and safeguarding confidential information, and on the other hand the potential usefulness of detailed data, such as on brand/product names and descriptions or categorisations, safe removal, concentrations of substances in articles, potential exposure, and others.
- The call for input revealed no consensus as to what level of information is needed by waste operators, including among waste operators themselves. Another controversial area is the discussion around the solutions to link information in the database to the physical articles for waste operators.
- Another recurring theme was the link between the database and existing standards (there was no consensus as to which ones/how), existing legislation and reporting/database systems. Therefore, if possible, synergies and ways to avoid duplication of effort should be exploited.

In terms of the technical implementation of the database itself, the call for input shows that it is important to allow for easy and flexible data uploads, to provide support to duty holders (guidance, training, etc.) and to accommodate translation between languages. For database users, a user-friendly interface with powerful search functions seems to be a key demand.

Given the input received regarding the future vision of the strategy and implications of long-term product lifecycles, development of the database should aim to accommodate potential future changes.

Developing a clear action plan for implementation of the database in order to both meet current deadlines and to create future efficiencies and improvements, while addressing stakeholder needs, could support implementation and uptake.

7. List of abbreviations

ECHA	European Chemicals Agency
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation (EC) No 1907/2006
RoHS	Restriction of Hazardous Substances Directive 2011/65/EU
SVHC	Substance of very high concern (in the Candidate List)
WEEE	Waste Electrical and Electronic Equipment Directive 2012/19/EU
WFD	Waste Framework Directive 2008/98/EC (amended by 2018/851/EU)

Appendix 1. Questions in the call for input

Call for input on the task of ECHA to develop a database on articles containing Candidate List substances under the Waste Framework Directive

ECHA will establish a new database on the presence of Candidate List substances, i.e. substances of very high concern, in articles. The primary users of the database are the waste treatment operators and consumers. The database will contain information submitted by companies producing, importing or supplying articles that contain Candidate List substances. Companies need to submit this information for articles placed on the market from 5 January 2021.

The task is based on the revised Waste Framework Directive that entered into force in July 2018. It is part of the EU's waste legislation package, contributing to the EU's circular economy policy. This new task strengthens the need for good supply chain communication as foreseen under REACH, where companies have to communicate in the supply chain and notify ECHA about Candidate List substances in articles.

Call for input

ECHA has developed a draft scenario for the database and would now like to consult its stakeholders on this draft scenario and its implications. The results of this call will be presented and discussed at a workshop in Helsinki on 22-23 October 2018. Individual responses to the received comments will not be provided.

Please find the draft scenario under Background documents, and give us your feedback on the questions below **by Tuesday 9 October 2018 at the latest**.

Compulsory fields/tick boxes are marked with an asterisk (*)

Contact details

*Note: Personal information is never disclosed to the public
The processing of your personal data is subject to ECHA's [privacy policy](#).*

First Name: *

Last Name: *

Country: *

Organisation: *

Organisation type/role in supply chain:

Telephone number:

Email: *

I agree to be contacted by ECHA for possible further consultations on the database development

Questions

1. Article-centric approach*

ECHA proposes a "article-centric approach" to implement the new notification obligations under the Waste Framework Directive. Do you find this as an appropriate way forward?

2. Challenges*

What would be, in your view, the main challenges to implement the proposed scenario?

Duty holders (article suppliers)

3. The legal text requires any supplier of an article containing a Candidate List substance to notify ECHA. Are there needs and practical means to tailor the notification system for the different roles in supply chains? (see paragraph *Who are the duty holders?* under section 3 of the "[Draft scenario for a database on Candidate List substances in articles](#)")*

4. Data submitter needs*

Do data submitters have specific needs, which the Agency would have to take into account when designing the database and its data submission interface?

Users of the database (waste operators and consumers)

5. User needs*

Do the expected users of the database have specific user needs, which the Agency would have to take into account when designing the database and its dissemination?

6. Information requirements*

Besides the substance name, which additional information should be submitted to support safe use and end-of-life stage of articles?

Any further comments?

7. Are there any further comments or feedback you would like to share with ECHA on the draft scenario?

If useful, you may also submit further supportive documents:

Upload attachment

Background documents

- [Draft scenario for a database on Candidate List substances in articles](#)
- [Technical supporting document](#)

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