



# Enforcement of Article 33 & 7.2

## Impact of dissenting MS opinions

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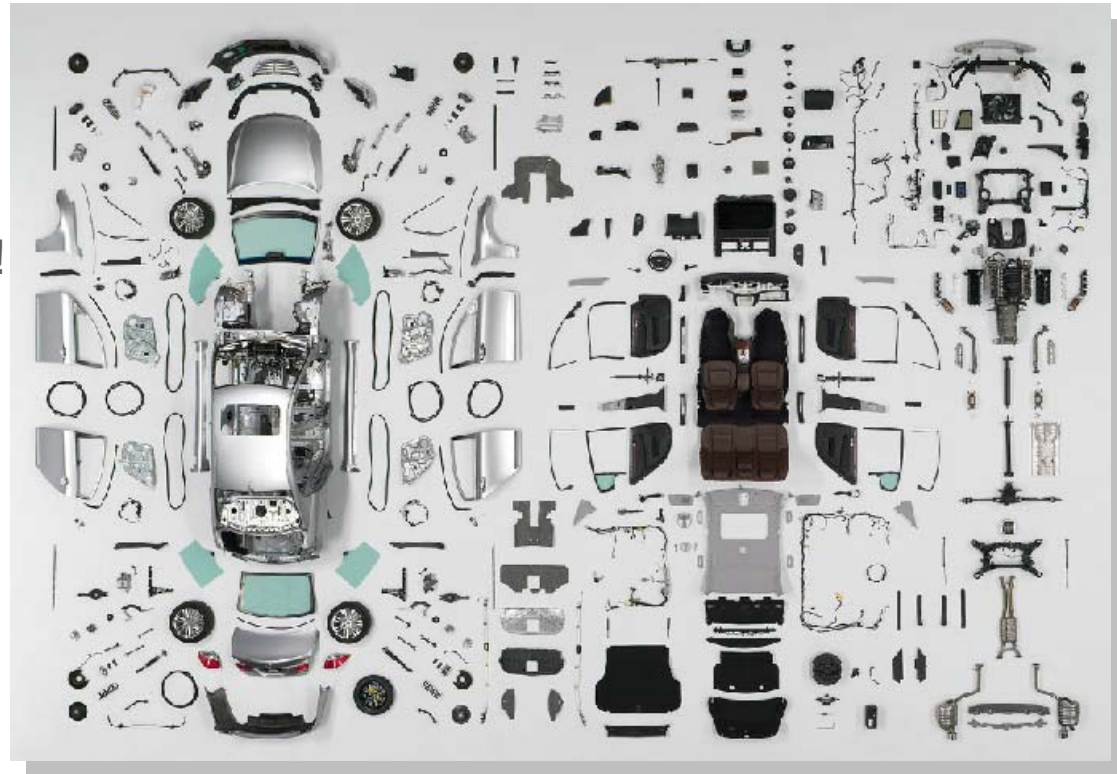


# How many parts a vehicle contains?

- Depending on the complexity, there are between 4.000 & 9.000 different main components contained in a vehicle platform (without multiple entries for one specific part).

- e.g. The vehicle platform of one OEM contains 8.400 components (=28.000 incl. common parts) from 1.000 suppliers!
- Up to 80 % of a car are pre-manufactured by supply chain

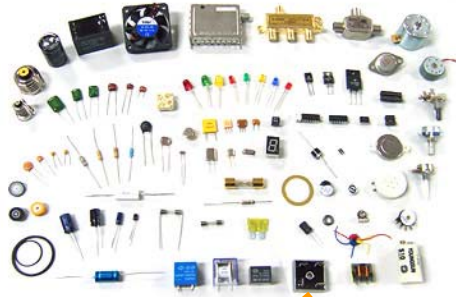
Total number of components assembled to one vehicle: up to 28.000  
(example: 1 tire = 1 part reference number; number of tires per vehicle = 4)



**Products from other industries may be even more complex!**  
(e.g. aerospace, engineering industry)

# How many parts a vehicle contains?

A car radio is counted as one component...

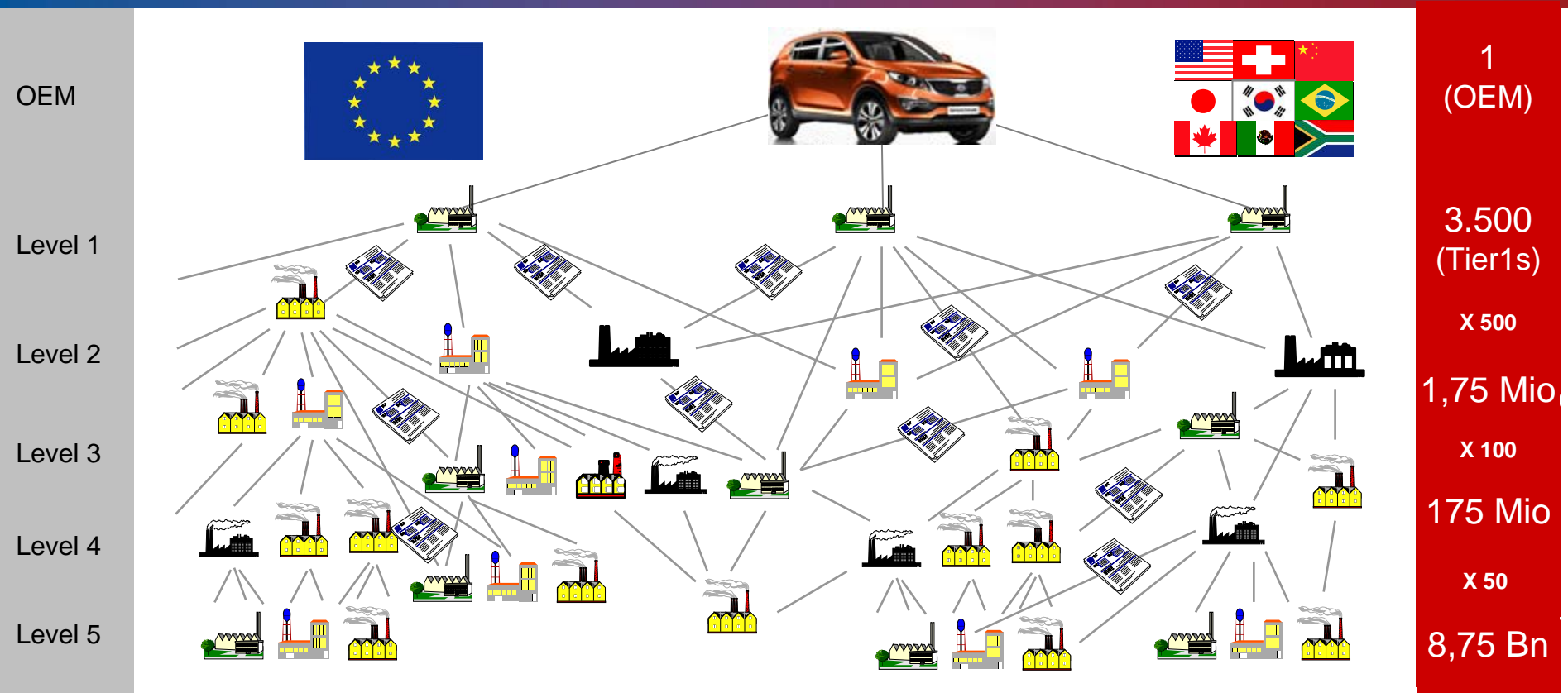


➔ Considering all parts contained in all components and sub-components, we come to many tens/hundreds of thousands of articles per vehicle!

## Other interesting figures...

- How many part numbers a vehicle manufacturer has in its warehouse?  
**up to 500.000**
- How many parts supplier (Tier 1) does a vehicle manufacturer have?  
**1.500 to 4.500**
- and how many Tier 2 suppliers the Tier 1 has in average?  
**500 to 1.500**
- How many suppliers are coming from outside Europe?  
**20% to 30 % (from European Vehicle Manufacturers)**  
**50% to 80% (from non-EU Vehicle Manufacturers)**
- How many levels the supply chain in the Automotive Industry has?  
**3-7 levels**

# How complex is a typical supply chain?



Using this data and adding some conservative assumptions a number of several billion possible Candidate List communications for the tens of thousands of parts per vehicle are possible



## Challenge: (Old) Spare parts on stock (for old vehicles)

- Name:  
Volkswagen Beetle
- Surname:  
Taillight
- Born:  
1970 in Wolfsburg/Germany
- Place of residence:  
Volkswagen-Audi Classic  
Parts Center, Wolfsburg
- Parents:  
Defunct
- Population:  
6



➔ Why not simply checking our processes instead of our parts?

# Dissenting Members States Opinions

<h1>O5A</h1> <p>Once an article, always an article</p>	<p>Legal text and majority of EU MS</p> <p>Calculation base: Complex Part</p>	<p>Opinion of 6 dissenting MS (O5A)</p> <p>Calculation base: Each Single Component</p>
		
<p>Calculation of reporting threshold</p>	<p><math>m=1500\text{kg}</math> <math>0.1\%=1500\text{g}</math></p>	<p><math>m=0.1\text{g}</math> <math>0.1\% = 0.1\text{mg}</math></p>
<p>Consequence</p>	<p>All CL*-substances &gt;1500g in the car have to be communicated</p>	<p>All CL-substances &gt;0.1mg in the car could be in scope</p>
<p>Example</p>	<p>If a substance is exceeding 1500g, then communication and notification obligations start for that car</p>	<p>If a CL-substance in one single sub component of the complete car is exceeding 0.1mg, then communication and potential notification obligations start for that car</p>

\* CL = Candidate List

# Desired Output of O5A?

	<b>Article Name</b>	<b>CL Substance</b>	<b>Instructions on Safe Use</b>
1	Resistor	XYZ	-
2	Resistor	XYZ	-
3	Resistor	XYZ	-
4	Resistor	XYZ	-
5	Resistor	XYZ	-
6	Resistor	XYZ	-
7	Resistor	XYZ	-
8	Resistor	XYZ	-
9	Resistor	XYZ	-
10	Resistor	XYZ	-
11	Resistor	XYZ	-
12	Resistor	XYZ	-
13	Resistor	XYZ	-
14	Resistor	XYZ	-
15	Resistor	XYZ	-
16	Resistor	XYZ	-
17	Resistor	XYZ	-
18	Resistor	XYZ	-
19	Resistor	XYZ	-
...	Resistor	XYZ	-
923	Resistor	XYZ	-



# Consequences of O5A

- Hundreds or even thousands of information on tiny/negligible sub-articles of a car would have to be
  - collected, analyzed and communicated by the
    - Manufacturer of the article (e.g. Car)
    - Dealer of the article
  - understood by the customer
  - checked/analyzed per complex article by the national Competent Authority?
    - Possibly millions of test for all CL-Substances in each sub-components

## Why negligible?

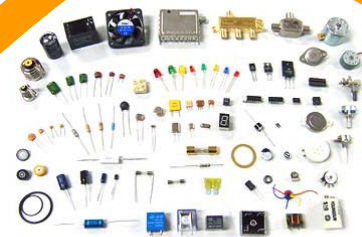
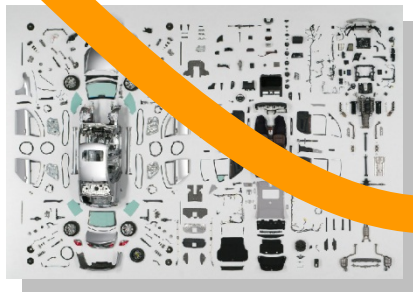
- Why is it important to know for a car manufacturer, dealer or customer if a resistor containing a CL-Substance which will never be released to the environment or touched during his whole life cycle is exceeding the 0,1% threshold?

 It is negligible because it is not important!

# Impact of the O5A-Approach



Calculation Basis:  
Complete Vehicle



Calculation Basis:  
Smallest Component  
(O5A)

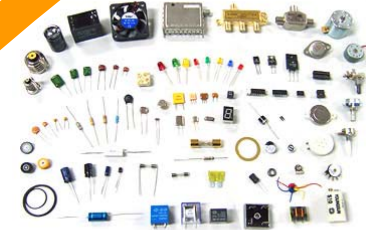
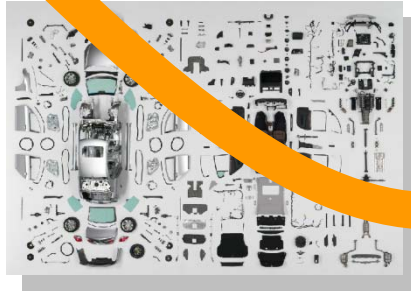
## The O5A-Approach in General...

- is being differently interpreted/enforced within the EEA (COM/ECHA opinion + X MS interpretations)
  - ➔ Infringe Art 95 of the EU Treaty
  - ➔ Hampers the functioning of the internal market
  - ➔ Discriminates companies depending on their geographical location
- generates unnecessary effort to modify already existing and compliant processes and systems
  - ➔ Already collected compliant data would have to be recollected

# Impact of the O5A-Approach



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Complete Vehicle



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Smallest Component  
(O5A)

## The O5A-Approach for Complex Articles...

- **has no proven advantage for human health or the environment**  
(Who will ever touch a resistor in the radio?)
- **leads to an overload of information**  
(nobody could cope with it and the important information has a high potential to be overlooked)
- **is impossible to be enforced?**

# Conclusion

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- European manufacturers of complex articles are aware of their responsibility for human health and the environment.
- We understand the rationale behind the O5A discussion which is an attempt to “repair” the weak points of Art. 33.
- However we are convinced that O5A is NOT the appropriate tool to repair it as it generates much more problems than it repairs old ones.
- O5A is considered
  - an insurmountable challenge for both industry and authority.
  - enforceable for simple articles but not for complex ones

# O5A – When reasonable or always absurd?

## Enforcement of the O5A-approach...

for a simple dummy „YES!“, but for a vehicle...?

