PRELIMINARY NOTE

The automotive industry has successfully worked towards the objectives of REACH. For many years, however, we have realised several shortcomings that would benefit from introducing various amendments to reduce administrative burden, to increase legal certainty and transparency and to take into account the needs of a circular economy while supporting the objectives of REACH.

Our sector is having several roles under REACH including the importer, distributor, producer of articles, and downstream user. In addition, our main role, which is the assembler of articles into highly complex objects, is not covered by the definitions under REACH, Art.3. For simplification purposes, we reference our role as “end users”. While the responsibilities of other roles are also relevant to our business, this document specifically concentrates on the end user segment and its unique associated challenges. Considering our extensive global supply chain, the intricate nature of our products as complex objects, and the necessity for sustained market availability for repairs, the execution of REACH presents significant difficulties that, according to our assessment could most efficiently be solved with a revision of the legal text. Therefore, immense resources have been spent to develop this paper to outline our challenges and propose targeted solutions.

As outlined in this paper, the targeted REACH revision or, at least, an Omnibus on REACH with the clear scope to the end user segment would have been a chance to solve the identified challenges. We have, of course, taken note of the decision not to revise the REACH regulation at this point of time. This places greater importance on finding alternative ways to tackle these challenges within the constraints of the current legislative framework.

REDUCTION OF BUREAUCRACY

1. Deletion of information obligations under Article 31(7)

Article 31 (7)	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
7. Any actor in the supply chain who is required to prepare a chemical safety report according to Articles 14 or 37 shall place the relevant exposure scenarios (including use and exposure categories where appropriate) in an annex to the safety data sheet covering identified uses and including specific conditions resulting from the application of Section 3 of Annex XI. Any downstream user shall include relevant exposure scenarios, and use other relevant information, from the safety data sheet supplied to him when compiling his own safety data sheet for identified uses. Any distributor shall pass on relevant exposure scenarios, and use other relevant information, from the safety data sheet supplied to him when compiling his own safety	7. Any actor in the supply chain who is required to prepare a chemical safety report according to Article **14 ~~or 37~~** shall place the relevant **information** in the safety data sheet covering identified uses and including specific conditions resulting from the application of Section 3 of Annex XI. Any downstream user shall include relevant **information ~~exposure scenarios, and use other relevant information,~~** from the safety data sheets supplied to him when compiling his own safety data sheet for identified uses. Any distributor shall pass **information ~~exposure scenarios, and use other relevant information,~~** from the safety data sheet supplied to him when compiling his own safety data sheet for uses for which he has passed on information according to Article 37(2).

data sheet for uses for which he has passed on information according to Article 37(2).	

Justification (ACEA / VDA/ CLEPA):

Exposure scenarios have not proven effective as an additional source of information for assessing hazards to humans and the environment. Downstream users generally do not require the information contained in an exposure scenario to conduct a targeted hazard assessment and determine appropriate protective measures. Due to the sheer volume and level of detail of information in an exposure scenario, most downstream users, such as small and medium-sized enterprises or industrial users, are simply unable to apply it effectively. In contrast, the information in the safety data sheet is structured, widely known, and contains all the information necessary for occupational safety and environmental protection during a hazard assessment. On this basis, the employer is able to carry out the risk assessment required by the Agency Directive 98/24/EG for work involving hazardous substances. Furthermore, exposure scenarios are only mandatory for substances. This results in different processes for downstream users handling substances and mixtures. Therefore, exposure scenarios should be deleted.

Concerning the deletion of Article 37 see point 3.

2. Reduction of information obligations under Article 33(1) for professional users by amending Article 3(35)

Article 3(35)	
Current Wording REACH	*Amendment by ACEA / VDA / CLEPA*
Recipient of an article: means an industrial or professional user, or a distributor, being supplied with an article but does not include consumers;	Recipient of an article: means an industrial ~~**or professional**~~ user, or a distributor, being supplied with an article but does not include consumers **or professional users**;

Justification (ACEA / VDA/ CLEPA):

The obligation to disclose information about substances of very high concern (SVHC) in products within the industrial supply chain is necessary to initiate substitution considerations early on, to assess the risks associated with using the product, and to fulfill sustainability reporting obligations.
However, this information is not necessary for the commercial purchaser of the product, as they have little control over the substances in the products they use. Information on the safe use of the product must be provided to the commercial user via the operating instructions.
Especially for complex products like cars or components, extensive analyses must be conducted and lists maintained regularly to gather the necessary data. This painstakingly collected data then needs to be automatically transmitted to all commercial purchasers. For automotive manufacturers with many different clients, this requires a significant amount of system and administrative effort. This bureaucratic burden is unnecessary, as the data is neither needed nor used in practice.

3. Deletion of chemical safety reports for downstream users under Articles 37, 38 and 39 (Title V)

Articles 37	
Current Wording REACH	*Amendment by ACEA / VDA /CLEPA*
(4) A downstream user of a substance on its own or in a mixture shall prepare a chemical safety report in accordance with Annex XII for any use outside the conditions described in an exposure	**delete**

scenario or if appropriate a use and exposure category communicated to him… (6) Where a downstream user does not prepare a chemical safety report in accordance with paragraph 4(c), he shall consider the use(s) of the substance and identify and apply any appropriate risk management measures (7) Downstream users shall keep their chemical safety report up to date and available. (8) A chemical safety report prepared in accordance with paragraph 4 of this Article need not include consideration of the risks to human health from the end uses set out in Article 14(5).	
Justification (ACEA / VDA/ CLEPA): When using hazardous substances or mixtures, downstream users are obligated by occupational health and safety and environmental protection regulations to identify the risks to human health and the environment and to define effective protective measures, derived from a risk assessment. Furthermore, the effectiveness of these protective measures must be verified by monitoring limit values. The chemical safety report required in Article 37(4) according to Annex XII has the same objectives and uses the same instruments. This chemical safety report therefore only increases the documentation burden for companies, as the risks are already adequately controlled by existing occupational health and safety and environmental regulations outside of REACH. Consequently, the information obligations under Article 38 and the deadlines under Article 39 should also be deleted. The safety data sheet provides a sufficient basis for the information required for these assessments.	

Articles 38	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
Obligation for downstream users to report information 1. Before commencing or continuing with a particular use of a substance that has been registered by an actor up the supply chain in accordance with Articles 6 or 18, the downstream user shall report to the Agency the information specified in paragraph 2 of this Article, in the following cases: (a) the downstream user has to prepare a chemical safety report in accordance with Article 37(4); or (b) the downstream user is relying	**delete**
Justification (ACEA / VDA/ CLEPA): see justification under Article 37. Since the chemical safety report only increases the documentation burden but does not increase the protective measures already established by occupational health and safety and environmental legislation, Article 38 should be deleted.	

Articles 39	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
Application of downstream user obligations 1. Downstream users shall be required to comply with the requirements of Article 37 at the latest 12 months after receiving a registration number communicated to them by their suppliers in a safety data sheet. 2. Downstream users shall be required to comply with the requirements of Article 38 at the latest six months after receiving a registration number communicated to them by their suppliers in a safety data sheet.	**delete**
Justification (ACEA / VDA/ CLEPA): see justification under Article 37. Since the chemical safety report only increases the documentation burden but does not increase the protective measures already established by occupational health and safety and environmental legislation, Article 39 should be deleted.	

4. Waiver of reporting obligations for substance restrictions according to Annex XV and XVII

Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
Annex XV	
Point 3 Dossiers for restrictions proposal *Justification for Restrictions at Community Level* *(i) e*ffectiveness: the restriction must be targeted to the effects or exposures that cause the risks identified, capable of reducing these risks to an acceptable level within a reasonable period of time and proportional to the risk;	Point 3 Dossiers for restrictions proposal *Justification for Restrictions at Community Level* (i) effectiveness: the restriction must be targeted to the effects or exposures that cause the risks identified, capable of reducing these risks to an acceptable level within a reasonable period of time and proportional to the risk; **Reporting requirements are not an appropriate measure for reducing risks to an acceptable level.**
Annex XVII	
Entries of Annex XVII sets out reporting obligations. For example, in accordance with Entry 78, comprehensive annual information must be submitted to ECHA regarding the use of polymeric microparticles. Reporting obligations are also to be introduced in relation to the restriction on PFAS proposed by the dossier submitters, even though a specific ban date has been specified.	**Existing reporting obligations under Annex XVII, Entry 78, Point 11 and 12 should be removed.**
Justification (ACEA / VDA/ CLEPA): The requirements for compiling a restriction dossier in accordance with Annex XV of the REACH	

Regulation need to be clarified. Reporting requirements impose enormous costs on European industry and, taken together, result in a significant competitive disadvantage. The European Commission has recognised this and, through the so-called Omnibus Initiative, has introduced measures to reduce these bureaucratic burdens. The reduction of reporting requirements should also be a fundamental part of a revision of the REACH Regulation. However, reporting requirements can help the authorities keep track of emissions and the quantities of substances used, as well as identify trends. As such, reporting requirements serve to monitor progress towards targets, but are not in themselves a risk management tool. ACEA/VDA believes that data on substance quantities and emissions should only be collected in the run-up to a restriction (Call for evidence) and should not form a regular, recurring part of the restriction process. This should be described in the Annex XV guidelines and existing reporting obligations under Annex XVII should be removed

5. Annual update of the candidate list

Article 59(10)	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
10. The Agency shall publish and update the list referred to in paragraph 1 on its website without delay after a decision on inclusion of a substance has been taken.	10. The Agency shall publish and update the list referred to in paragraph 1 on its website ~~**without delay**~~ **annually on 1st February,** after a decision on inclusion of a substance has been taken.
Justification (ACEA / VDA/ CLEPA): The inclusion of substances on the Candidate List may entail information obligations for the automotive industry under Article 33.1, notification obligations under Article 7.2, and the updating of data records in the SCIP database. At a minimum, an update to the Candidate List always initiates extensive research in internal databases on parts lists of the vehicles, spare parts ranges, and component compositions from IMDS, as well as the processing of this data according to the various regulatory requirements. The REACH Regulation does not specify deadlines for the publication of the Candidate List. In the past, it was common practice to update the list every six months. However, recently, individual substances have been published at even shorter intervals (e.g. DBDPE in November 2025). The effort required to determine and quickly provide the data is very high for the automotive industry due to the complexity of automobiles and components. A fixed annual update of the candidate list would significantly reduce the bureaucratic burden and, in the opinion of the automotive industry, should be urgently considered in the revision of the REACH Regulation. The hazards of a substance are already known before it is included in the Candidate List and possible hazards are taken into account in advance in the course of the risk assessment. In addition, we assume that we have already identified the majority of SVHCs at this point in time and that future new additions to the candidate list should therefore decrease.	

LEGAL CERTAINTY

1. More practical definition of the term "placing on the market"

Article 3 Definitions	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
12. placing on the market: means supplying or making available, whether in return for	**12.** **a) placing on the market of a substance on its**

payment or free of charge, to a third party. Import shall be deemed to be placing on the market;	**own or in a mixture: means supplying or making available, whether in return for payment or free of charge, to a third party. Import shall be deemed to be placing on the market;** **b) placing on the market of an article: means supplying or making available for the first time, whether in return for payment or free of charge, to a third party. Import shall be deemed to be placing on the market;**

Justification (ACEA / VDA/ CLEPA):

The current definition of placing on the market is targeting a substance on its own or in a mixture or an article, also reflected in CLP Article 2 Definitions 18.

As 'placing on the market' in REACH does not distinguish between 'placing on the market (the first making available)' and consecutive 'making available on the market' as defined e.g., in Regulation (EU) 2019/1020 Article 3 Definitions (1), (2), REACH currently does not cover the complexity for substances restrictions in articles sufficiently. Excluding 'articles in use' does support the justified continued use of articles in complex objects, see Article 3 Definitions 'article already in use' justification.

In addition, the market' intentionally addresses the Union market. 'Excluding articles in use' enables import of complex objects after entry into force of a restriction. In the respective Annex XVII entries, the requirement 'Articles already in use before the entry into force' may be applied additionally. This addition is inappropriate in definition and only needed in the context of a restriction.

2. Definition of "articles already in use" should be included

Article 3 Definitions	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
Article 3 Definitions	**x. 'Article already in use': means any article, as defined in Article 3(3) of the REACH Regulation, that has been produced inside or outside the European Union before the date of application of the [relevant restriction], and is already part of a 'complex object' or its production process before or on that date. Articles in the possession of the downstream user or a consumer of the article shall be deemed 'already in use'.**

Justification (ACEA / VDA/ CLEPA):

The introduction of a definition for an 'article in use' acknowledges REACH Chapter 2 Article 3 Definitions 24. in which 'use' includes the 'production of an article or any other utilisation'. From this it is deduced, that an article in a 'complex object' is in 'use' as it is part of the production process of the product (see COMMISSION NOTICE The 'Blue Guide' on the implementation of EU product rules 2022 (Text with EEA relevance) (2022/C 247/01) a complex object must be considered as a product).

The definition for 'article in use' does acknowledge the ECJ judgment case C-106/14 of once an article always an article and introduces the 'complex object' as a note.

As the disassembly of a 'complex object' to remove an individual article is in general technically and/or economically not feasible without changing the state of the complex object to 'waste', the proposed amendment does support the European Union Sustainable Development Goals (SDGs) mainly by avoiding the creation of additional waste and considering the reality of complex supply chains in the European industry.

Note: The 'complex object' containing this article may continue to be traded after the date on which the respective ban came into force. All articles not in use still held by distributors, or in the storage facilities of importers or producers of these articles, on the date when the restriction came into force, should be withdrawn from the distribution chain.

3. Deletion of the reference to chemical safety reports for mixtures in Article 31(2)

Article 31 (2)	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
2. Any actor in the supply chain who is required, under Articles 14 or 37, to carry out a chemical safety assessment for a substance shall ensure that the information in the safety data sheet is consistent with the information in this assessment. If the safety data sheet is developed for a mixture and the actor in the supply chain has prepared a chemical safety assessment for that mixture, it is sufficient if the information in the safety data sheet is consistent with the chemical safety report for the mixture instead of with the chemical safety report for each substance in the mixture.	**2. If the safety data sheet is developed for a mixture and the actor in the supply chain has prepared a chemical safety assessment for substances or received exposure scenarios for substances in those mixtures, it is sufficient if the consistent information is included into the main body of the appropriate safety data sheet sections.**

Justification (ACEA / VDA/ CLEPA):

The composition of exposure scenarios for mixtures is described only in the ECHA Guidance for Downstream Users. There is no mention of it in the REACH Regulation itself. It was discussed during the hearing on REACH to include an appropriate Annex I(b) but this was never realized due to scientifically reasons.

Mixtures are not subject of Art. 31(7). This Art. deals with actors only, who create a CSR acc. to Annex I or Annex XII which is based on substances and not on mixtures except of Annex I (0.6) where the word 'mixture' is used.

Further argument:
For CSR creation only Annex I or Annex XII are intended to be used.
In both annexes the CSA (chemical safety assessment) is based on test data of the substance only and on derivation of DNEL and/or DMEL resp. PNEC-values.
Therefore, if the actor of the supply chain wants to create a CSR for a mixture too, they need such test data, which they will probably have only in a few cases (exemption: alloys and substances of unknown composition resp. complex substances, e.g. substances of unknown variable composition, complex reaction products or biological materials). In addition, the examination of CMR, ED and PBT/vPvB resp. PMT/vPvM properties by testing is not allowed for mixtures acc. to CLP as well as for the end point „biol. degradation", which means that for those end points no test data would be available for normal mixtures which can be used for a CSA (MOC problem).

4. Improve material identity (uniqueness – EC/CAS numbers)

Annex XV, XIV, XVII	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
[text]	The unambiguous material identity is crucial for the implementation of restrictions in complex EU and non-EU supply chains of products (articles as well as complex objects). Substances without CAS or EC numbers cannot be systematically tracked or communicated as requiring tracking within the supply chain. This problem applies particularly to groups of substances. The legislator should provide a unique, internationally used identifier for each regulated substance and a clear list of all substances affected for each group of substances. Also, legal enforcement authorities can only determine compliance with legal requirements reliably using unambiguous identifiers. Therefore, each substance or substances subject to an Annex XV dossier and/or an Annex XIV or XVII entry must have an indicative substance list based on an exhaustive list of their unique identifiers (e.g., Chemical Abstracts Service (CAS) registry numbers) legally binding and accompanied by a minimum 18-month transition period for newly added CAS entries substances.
Justification (ACEA / VDA): The lack of substance identity certainty, especially for broad chemical groups with evolving CAS lists is a major problem in the complex supply chains. Certainty with having a language independent identifier ensures conformity with legal requirements via robust processes.	

5. No competing limits for occupational safety and environmental protection due to REACH

Annex XVII	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
Entries 71, 76, 80 and 81	**delete**
Justification (ACEA / VDA/ CLEPA): The setting of limit values to protect workers or the environment in various regulations leads to duplication of regulation, resulting in a corresponding amount of avoidable administrative burden for the authorities and downstream users. Apart from this avoidable duplication of effort, the scientific committees and the legislator also reach different conclusions – that is, different limit values – for the same substance. A RMOA as proposed under the “Transparency” section in this document could prevent this. It is unclear to downstream users which limit value applies. Due to the lack of clarity in the regulatory environment, there is a latent risk of regulatory breaches and of putting employees at risk.	

For instance, entries 71, 76, 80 and 81 of Annex XVII on the restriction of various aprotic polar solvents set limit values (DNELs) for the maximum permissible intake via inhalation and through the skin. The proposed restriction on Chromate currently under discussion is also intended to include limit values for inhalation by workers and release into the environment. VDA and ACEA clearly advocates for the derivation of limit values using the procedures established in occupational health and safety and environmental protection within the framework of the CMRD or the IED. No occupational exposure limits or emission limit values should be listed in Annex XVII of the REACH Regulation, and authorisations under Annex XIV should only refer to these limit values. The aborted restriction project for cobalt compounds demonstrates that limit values in accordance with the CMRD are also considered effective as the sole risk management measure.

6. Standardized digitized distribution of safety data sheets

Annex II	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
0.3. Safety data sheet format 0.3.1. A safety data sheet is not a fixed length document. The length of the safety data sheet shall be commensurate with the hazard of the substance or mixture and the information available. 0.3.2. All pages of a safety data sheet, including any annexes, shall be numbered and shall bear either an indication of the length of the safety data sheet (such as “page 1 of 3”) or an indication whether there is a page following (such as “Continued on next page” or “End of safety data sheet”).	0.3. Safety data sheet format 0.3.1. A safety data sheet is not a fixed length document. The length of the safety data sheet shall be commensurate with the hazard of the substance or mixture and the information available. 0.3.2. All pages of a safety data sheet, including any annexes, shall be numbered and shall bear either an indication of the length of the safety data sheet (such as “page 1 of 3”) or an indication whether there is a page following (such as “Continued on next page” or “End of safety data sheet”). **0.3.3. Unless compelling technical or organisational reasons prevent it, the safety data sheet required under Article 31 of Regulation (EC) No 1907/2006 (REACH) shall be provided in an electronic, machine-readable and standardised data exchange format. For the structured electronic transmission, the eSDScom format should be used.**
Justification (ACEA / VDA): Legislators should promote the distribution of safety data sheets in the mature, industry developed eSDScom format and actively participate in its further development to significantly shape a global standard. Mandatory distribution of safety data sheets in this format should be introduced gradually to improve the quality of safety data sheets and, consequently, safety and transparency in supply chains.	

7. Inclusion of the definition of “suitable alternative” in Article 3

Article 3	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*

no text	**x. suitable alternative** **An alternative to a substance is considered suitable if all of the following four criteria are met:** **1. it is safer** **2. it is technically feasible** **3. it is economically feasible** **4. it is available**
Justification (ACEA / VDA/ CLEPA): Due to the increasingly important of Assessment of Alternatives (AoA), it makes sense to include the term “suitable alternative” in Article 3. The wording used by the Commission in its Draft Commission Notice of 29 November 2024, Question 136, which it prepared within the framework of the EU Taxonomy, should be adopted. An alternative to a substance is considered suitable if all of the following four criteria are met: 1. it is safer 2. it is technically feasible 3. it is economically feasible 4. it is available With this definition, the considerations for substitution under an authorisation pursuant to Article 55 should also apply to substances that are subject to restrictions.	

TRANSPARENCY

1. **A Risk Management Option Analysis should be mandatory and based on a harmonized classification.**

Annex XV, I. INTRODUCTION AND GENERAL PROVISIONS	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
(...) For all dossiers any relevant information from registration dossiers shall be considered and other available information may be used. For hazard information which has not been previously submitted to the Agency, a robust study summary shall be included in the dossier.	(...) For all dossiers any relevant information from registration dossiers shall be considered and other available information may be used. For hazard information which has not been previously submitted to the Agency, a robust study summary shall be included in the dossier. **Before submitting an Annex XV dossier for a potential restriction, a mandatory Risk Management Option Analysis (RMOA) shall be carried out.** **The RMOA should always be based on the harmonised classification of the substance under Regulation (EC) No 1272/2008. The aim of the RMOA is to determine which is the most appropriate measure to reduce a risk. In order to identify the most appropriate regulatory measure, the options set out in this Regulation must be compared with alternative regulatory instruments in other regulations, such as CLP, CMRD, CAD or IED.**

	The outcome of an RMOA should include at least the following content-related aspects: • **Unambiguous substance identification** • **Risk description across the product life cycle** • **Impact on circular economy** • **Overview of use cases** • **General socio-economic impact assessment** • **Justification of selected and unselected risk management options** **One or, where necessary, several Calls for Evidence (CfE) shall constitute a central element of the RMOA to collect all relevant information for assessing regulatory options.** **An Annex XV dossier is admissible only after completion and documentation of the RMOA, including CfE results.**

Justification (ACEA / VDA/ CLEPA):

Decision-making processes for regulating substances should be more transparent and involve all stakeholders. A RMOA should be mandatory and based on a harmonized classification.

Before a regulatory project can be launched, a harmonized classification of the hazard level of the substance to be regulated is required.

If an authority deems regulation necessary, a mandatory Regulatory Management Option Analysis (RMOA) follows. Currently, it is still at the discretion of each individual Member State whether and in what form an RMOA is carried out.

The central instrument of the RMOA should be the Call for Evidence (CfE). This needs to be more user-friendly and designed with the participation of all relevant stakeholders. Currently, companies are not widely adopting the CfE process, so it should be organized, for example, via the European "have-your-say"-platform.

Furthermore, the duration of a CfE should be extended to increase the likelihood of gathering more information along supply chains. This will also increase the chances of the desired participation of small and medium-sized enterprises (SMEs). In addition, all relevant stakeholder groups should be involved in the subsequent consultation process, for example, through a permanent monitoring role in CARACAL, SEAC, and RAC meetings.

If fundamental changes are made to the RMOA process (e.g., expansion of the scope), a further CfE should be mandatory, as the changes may also affect the impact and the stakeholder group. Another mandatory element of the RMOA should be interviews between the authorities and the companies and associations.

AUTHORIZATION AND RESTRICTION PROCEDURE

See ACEA and VDA position paper for a general idee of the improvement of authorization and restriction procedure: ACEA-position-paper-–-REACH-revision_The-automotive-industry-perspective.pdf and VDA Position - Simplifying REACH 2026 v2 EN.pdf

CIRCULAR ECONOMY

1. Establishment of a general exception for recovered materials

Article 68(1)	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
1. (...) The first subparagraph shall not apply to the use of a substance as an on-site isolated intermediate.	1. (...) The first subparagraph shall not apply to the use of a substance as an on-site isolated intermediate. **The first subparagraph shall not apply to the use or placing on the market of recovered mixtures, on its own or used in articles, containing a substance listed in Annex XVII**
Justification (ACEA / VDA/ CLEPA): The purpose of the Circular Economy Act is to protect natural resources. The Recycling of used materials represents a particularly efficient, ecological, and economical method and resource, as it eliminates the need to produce and consume new materials or dispose of used materials. Recyclable materials may contain restricted substances which, in the absence of this exemption, would have to be disposed of as waste, resulting in the loss of valuable resources. By granting an exemption for recovered materials from the restrictions of Annex XVII, material loops can be closed, thereby conserving resources and energy. This effectively minimizes the EU's dependence on non-European raw materials (e.g., critical metals). Furthermore, it allows for a significant reduction in waste streams (e.g., UV stabilizers or flame retardants in plastics) and assists in meeting recycling targets. The tightening of emission limits and the increasing number of substance bans and restrictions not only make recycling more difficult but, in some cases, impossible. The proposed amendment shall not apply to materials and articles intended to come into contact with food within the meaning of Regulation (EC) No 1935/2004, nor to toys as defined in Regulation (EU) 2025/2509.	

2. Establishment of a general exception for spare parts

Article 68(1)	
Current Wording REACH	*Amendment by ACEA / VDA/ CLEPA*
1. (...) The first subparagraph shall not apply to the use of a substance as an on-site isolated intermediate.	1. (...) The first subparagraph shall not apply to the use of a substance as an on-site isolated intermediate. **The first subparagraph shall not apply to the manufacturing, use or placing on the market of a substance in spare parts, including refurbished, reproduced and remanufactured parts, produced for the purpose of maintaining or repairing articles which were already in use or placed on the market before the respective entry in Annex XVII came into force, where the original manufactured parts contained a substance listed in Annex XVII and the article**

	cannot function as intended without said spare part.

Justification (ACEA / VDA/ CLEPA):

The automotive industry fully supports the objectives of REACH, namely protecting human health and the environment while maintaining competitiveness. At the same time, the automotive industry has a responsibility to its customers and the environment to design vehicles for maximum durability and to keep them operational for as long as possible through maintenance, repair, and parts replacement. This significantly reduces costs for consumers and conserves natural resources. Required replacement parts must meet the original requirements for function, safety, and reliability.

Spare parts must therefore meet the same quality and safety requirements as the original manufactured parts. For this reason, they are usually not newly developed but continue to be produced as originally designed and approved. This also applies to the chemical composition, which is crucial for technical performance and guarantees smooth interaction with other components. This is also confirmed by the EU Commission‘s decision of February 23, 2010, amending Annex II of Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (”repair-as-produced principle”). Changes in materials due to subsequent substance bans would necessitate costly testing to comply with the type approval (according to Directive 70/156/EEC) for the complete vehicle. This is simply not feasible from an economic perspective (comparatively small production volumes). Stockpiling spare parts is a poor solution for several reasons. Storage capacity is lacking, and technical aging processes can also impair functionality and safety. Obsolete components would ultimately have to be disposed of, which contradicts the goal of conserving natural resources.

For the reasons mentioned above, the automotive industry is claiming for a general exemption from the REACH Regulation for spare parts (including refurbished, reproduced, and remanufactured parts). Spare parts should continue to comply with the REACH requirements that also applied to the original manufactured part.

SUBSTANCES OF CONCERN

REACH is the key regulation for chemical substances and mixtures. The expertise of legislators and stakeholders involved in the legislative process is high, and cooperation is well established. REACH regulation sets out key definitions for substance regulation that are directly binding on all member states.

To comply with substance regulations outside of REACH, other legal acts must not contain differing or conceptually broader requirements. Key terms related to chemicals legislation should only be defined in REACH. All other regulations should merely refer to it. One example is the definition of so-called “substances of concern”. Regulations such as those concerning taxonomy, sustainability reporting, and ecodesign establish their own criteria for classifying substances as such. These criteria differ from one another and are only partially similar. This creates a large and unmanageable group of so-called “substances of concern” that are subject to various regulatory aspects.

The category of substances of concern does not exist in REACH. Furthermore, stakeholders with relevant expertise cannot make a sufficient contribution to the development of these substance regulations. To avoid differing interpretations, the risk of legal non-conformities, uncertainties in enforcement, and bureaucratic burdens, all definitions of substances of concern should be removed from the aforementioned regulations and other non-legislative concepts such as the “essential use concept”.