



Comment

Do distributors now have to create BOM-BOM-BOM lists?

Recent news of the Environment & Compliance Work Group at the FBDi

The proportionality and feasibility of EU regulations

Munich, June 1, 2017 - The state of the environment and of human health should be important issues for us all. To ensure that industry also adheres to regulations, the REACH Regulation ((EC) 1907/2006) of the European Union came into force in 2007. It is one of the strictest pieces of legislation governing chemicals and a highly detailed set of rules. Generally speaking, it would give little cause for complaint – but for the fact that every amendment introduces ever greater hurdles to be overcome before it can be implemented ...

The latest version 4.0 of the REACH Guide is now pending and is already a hot topic of discussion before it has even been published (as of mid of May). This is particularly the case, for example, among component distributors, whose status as importers of articles means that they must automatically accept the obligations and therefore the responsibilities of a manufacturer. The unique identification of substances is a precondition for the majority of procedures in accordance with REACH. This requires that the participants in the supply chain have sufficient information about the identity of their substances – so the theory goes. Ultimately, the right to information enables consumers to inform themselves about these types of substances when they make purchasing decisions.

As a general rule, Article 7 requires producers and importers to notify the ECHA of the presence of a SVHC in articles if this SVHC is present in those articles in quantities totalling over one tonne per producer or importer per year (as a total quantity in all imported individual articles). The question now arises as to what constitutes an article and when?

However, the new REACH Guide 4.0 is supposed to be able to answer this for us. In reality, as the draft already shows, it is not clearly understandable. And - to make matters worse - it contains regulations that are effectively impossible to implement! This was confirmed by ORGALIME (umbrella organisation of the European mechanical, electrical, electronic and metal articles industries) in Remark 578 (Appendix 5, Example 2) based on the example of PC boards, which states 'not for discussion'. Close examination of the proposed

methodology shows – if every component of a complex object (e.g. PCB) must be broken down to its original article level – that a separate BOM is required for each level. For three levels, this therefore equates to three BOMs or a BOM-BOM-BOM list. However, it should be noted that the new interpretation in the Guide renders the previous interpretation of the article (the component itself) no longer relevant. The article (e.g. a capacitor) is now a complex object that itself requires a BOM. As a result, articles valued at mere cents may under certain circumstances require several hundred hours of work in order to determine the basic information – the more there is, the more complex it becomes!

It is simply impossible to manage these volumes of data – although we would be delighted to see any representative of the ECHA attempt it. We would also be happy to lend him or her the FBDi Compass for assistance – provided that we receive a response to issue of proportionality.

Author: Jens Dorwarth, Manager E&C Hy-Line, Chairman of the WG Environment & Compliance at the FBDi