JMC Japan Machinery Center for Trade and Investment

June 21st, 2022

Our Comments on the Proposal for a Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC

Dear Sirs,

The Japan Machinery Center for Trade and Investment ("**JMC**") is a non-profit organization with the character of a public-interest corporation. It was established in December 1952 in accordance with the Japanese Export and Import Trade Law under the authorization of the Minister of Economy, Trade and Industry of Japan. The objective of the JMC is to engage in activities that enhance the common benefit of member companies and promote the sound development of international trade and investment by the machinery industry. JMC comprises member companies engaged in machinery and systems-related exports and foreign investments such as machinery manufacturers, trading houses and engineering companies. At present, the total number of JMC member companies is about 240.

Our committee handles environmental and product safety issues regarding products for trade and is strongly concerned with overseas environment- and product safety-related regulations on products. From this standpoint, we would like to send our comment on the Proposal for a Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC.

If you have any questions, please feel free to contact our secretariat (Mr. Chiaki Morikawa, E-mail: morikawa@jmcti.or.jp)).

Sincerely yours,

Chairman
Environment Law Committee

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JMC comments on the Proposal for a Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC

Our industries welcome the European Commission's Proposal for a Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC as a key measure to further standardization of the way resources are used throughout the economy and society and to prevent differing legislation amongst Member States.
We would like to make the following comment in order to ensure that the implementation will be workable, proportionate and will contribute to a circular economy.

1. Concerns over adding requirements for chemical substances to the Ecodesign Regulation, etc. for each product group

Careful consideration should be given as to whether it is appropriate to add requirements for chemical substances to the Ecodesign Regulation for each product group. Duplication with existing legislation should be avoided to maintain legal validity and consistency.
Please bear in mind, for example, that ecodesign requirements for electronic displays include a ban on specific chemical substances that have caused terrible confusion for our supply chain. Such requirements should be regulated in the applicable chemical legislation. For electrical and electronic equipment, restrictions on hazardous substances should be made in the RoHS Directive.

2. Request that the conformity assessment scheme is Module A for machinery, electrical/electronic products

We would like to request that the self-declaration system under Module A is to be maintained and established for the conformity assessment scheme under the CE marking system, including the new requirements stipulated in Article 1.
For complex products such as machinery and electrical/electronic products covered by Module A in the existing conformity assessment scheme of the CE marking system, proving conformity through third-party conformity assessment requires an enormous amount of work and cost and is not considered feasible from an operational point of view.

3. Information requirements accompanied with product should be in the company webpage

The information provided for in Article 7(2) and Article 21(7) should preferably be provided via a website. It is considered a more sustainable means of ensuring rapid updating of information as required and is more convenient and reliable to access to update rather than information accompanied with products.

4. Avoidance of the overlapping of existing legislation and regulations

While we understand the purpose of introducing the Product Passport of Article 8, duplicative requirements with other EU legislation requiring disclosure of information should be avoided. This duplication would increase the burden on manufacturers.

5. Exemption from disclosure requirements for "presence of substance of concern"

The “presence of substances of concern” in Article 5(1)(g), which is required to be disclosed in Article 7, “the information requirements”, should be SVHCs in the REACH regulation. While, the Waste Framework Directive (EU) 2018/851 requires this SVHC to be disclosed in the SCIP DATA BASE. Therefore, the requirements of this Article 5(1)(g) should exclude products, components, and intermediate products, as defined in Article 2, in order to avoid duplication with existing legislation.

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