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COWI

Final report:

WP1 – Stakeholder consultation on proposed information requirements

1. Introduction

On 24 May 2019, ECHA invited stakeholders to comment on its "Detailed information requirements for the database on articles containing Candidate List substances under the Waste Framework Directive" document (hereafter referred to as "ECHA's proposal document"). The invitation and the draft requirements were sent by email to a list of approximately 90 stakeholders (those that attended the workshop on the database in October 2018 or that have otherwise shown interest in the database project). They were invited to provide comments by 7 June 2019.

The aim of this report is to help ECHA:

- Summarise the written feedback received and more in-depth feedback provided from targeted follow-up interviews;

- Gain a better understanding of the perceived strengths and weaknesses of the current proposed information requirements from the point of view of various stakeholder groups;

- Identify specific issues which need further clarification to be potentially addressed on ECHA's websites (e.g. via Q&As)

An overview of the feedback from stakeholders is presented in Section 2. The analysis of the stakeholder consultation is presented in Section 3 and Section 4 presents the conclusions.

# 2. Overview of stakeholders feedback

2.1 Written Feedback

2.1.1 Overview of written feedback received

In total, 37 organisations provided written responses on ECHA's draft detailed information requirements. An overview of the types of organisations providing feedback is presented in Figure 2.1 below. The majority of comments were received from industry (associations and individual companies), but NGOs and waste operators were also represented. Note that one stakeholder (labelled "industry / waste") represents both producers and recyclers of a specific material group. The five groups of stakeholders are as follows:

- Industry / Trade – individual organisation from industry or trade association representing specific industry sectors.

- Industry / Waste – a stakeholder representing both producers and recyclers of a material group.

- Waste sector – organisations responsible for processing waste or trade associations representing the waste sector.

- NGO – Non-government organisation operating to independently address social or political issues.

- Service Provider – organisations which provide industry with services relating to regulation compliance and databases.

Figure 2.1   Breakdown of organisations providing written comments
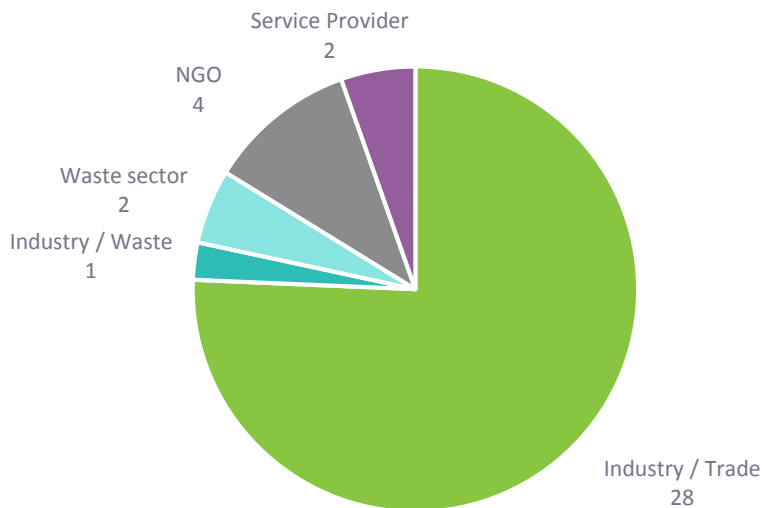
2.1.2   Approach to the analysis

Structure of the analysis

All written comments were summarised and assessed according to the relevant sections of ECHA's draft detailed information requirements document. Specific subheadings are used for sections that contain more detail in ECHA's document and for aspects that have received more comments. In addition, general/overarching comments (including comments on the introduction to ECHA's document) have been summarised and assessed.

Categorisation of comments

Where possible, comments on the information requirements were categorised into favourable comments (i.e. confirming ECHA's proposal), critical comments (i.e. pointing out perceived issues with parts of ECHA's proposal), or neutral comments. In addition, where specific changes to the database structure or contents were proposed by respondents (e.g. concrete proposals for revision, deletion or addition of an information requirement), these have been drawn out within the report.

It should be noted that the varying opinions of different respondents means that some stakeholders requested that the database requirements be strengthened, while others requested the removal of some requirements. Therefore, the number of critical comments *alone* is not a good indicator of whether ECHA's current draft proposal is a good compromise across the views of different stakeholders.

Categorisation by sector

The analysis took into account whether views come from stakeholders representing industry, waste operators, NGOs or others. For respondents from industry, the applicable sector is identified wherever practical (i.e. where views come from a limited number of sectors, rather than a wide range of industry sectors).

"Policy comments"

 The analysis focused on feedback relating to the specific content of the draft detailed information requirements document. Comments made on the wider policy context of the database and on ECHA's mandate are hereafter referred to as "policy comments". Where comments have been judged "partly relating to policy", i.e. fulfilling the criteria of being a "policy comment" whilst additionally providing specific feedback, analysis of the non-policy element of their response has been included. A full analysis of the policy comments has, however, not been provided in this document.

2.1.3   Quotation of comments that are difficult to interpret

Comments that were not clear to the authors have been quoted rather than summarised or paraphrased, to avoid misinterpretation or misrepresentation. Please note therefore that the quoting of comments does not imply that these comments are more important or carry more weight than comments that have not been quoted.

Typographical errors in quoted comments have been corrected and some comments have been edited to anonymise the responses.

2.2   Follow-up interviews

2.2.1   Overview of follow-up interviews

In the invitation for feedback, ECHA informed stakeholders that they could be contacted by the contractor (WOOD and COWI) for further in-depth interviews, as appropriate. The interviews aimed to gather additional feedback relating to the specific information requirements. Stakeholders could discuss any specific information requirement outlined in ECHA's proposal during the call.

Wood and COWI conducted a total of 20 telephone interviews during July 2019, covering 21 stakeholders. Interviews were held with:

- 14 industry representatives[1]

- 2 operators from the waste treatment industry

- 5 NGOs

2.2.2   Approach to the interviews

The interviews followed a structured guide (see Appendix A) which introduced the objectives of the interview and then proceeded to cover three key areas from ECHA's proposal document: the conceptual model of the database; the specific information requirements; and the examples illustrating the content of foreseen submissions. The interviews lasted between 30 and 60 minutes.

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[1] Interviews with industry associations often included personnel from member organisations. The steel sector trade association encompasses members who are waste recyclers and could also be considered as waste treatment operators. Trade associations from the space and aerospace sector were interviewed in a joint call.

3. Analysis of the feedback

3.1 General/overarching comments

There were a total of 95 written comments on the Introduction of ECHA's proposal document and general comments not related to any one specific section of the document. Table 3.1 presents the key general concerns which have been highlighted by industry.

Table 3.1 – Key general concerns from the stakeholder consultation.

Key points	Comments
Presentation	The presentation and diagrams in ECHA's proposal document were commended by one NGO.
Incorrect references (and implications for scope)	Respondents highlighted examples where the document references "REACH Article 33"; however, the stakeholders suggested the complete reference should be "REACH Article 33(1)". The reference was made in Footnotes 5 and 7 on pages 2 and 3 respectively. Respondents stress that the legal requirement to populate the database relates to REACH Article 33(1) and the safe-use information required in Article 33(1) does not demand information on the waste stage. A trade association for the textile and fashion industry notes the document repeatedly refers to information requirements for articles containing candidate list substances, however the legal requirement from REACH regulation is to provide information only for articles containing greater than 0.1% SVHCs.
Legal	Industry stakeholders frequently stressed that, in their view, the database and its information requirements go beyond the legal requirements of REACH Article 33(1) and Waste Framework Directive Article 9(1). An NGO has welcomed that the boundaries of the database have been defined based on the objectives set out in the legal text and providing full public access to the database. NGOs stated that it would be beneficial for consumers if information on articles which are SVHC-free was also included in the database. Another NGO highlighted that potential user groups could be broadened beyond industry and waste operators to also include researchers and retailers.

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Key points	Comments
Confidentiality	Industry stakeholders frequently stressed that the database and its information requirements could expose confidential business information. Stakeholders are concerned that such a database will risk the competitiveness of EU businesses and that there is potential for the database to be exploited by competitors or suppliers by exposing partners in supply chains. An industry stakeholder welcomed Footnote 3 of the document which explains that supplier information will not be made available to the public. An industry stakeholder is concerned that "an open and searchable database" risks being exploited through unintended uses such as industrial espionage and fears regulation could be used as a "competitive hindrance tool". An industry stakeholder suggests restricting access for NGOs and authorities, allowing waste operators exclusive access.
Complex supply chains	A common overarching concern to industry stakeholders is ensuring the functionality of the database where there are complex supply chains. Industry highlighted concerns about having to supply information to all actors in the supply chain. A trade association for electronic goods stressed that some of their members have around 15,000 suppliers globally, making compliance problematic. A representative of SME business indicated that companies can have multiple suppliers for the same article and suggested that there should be a function to group submission for such articles. According to aerospace and space sector trade associations, supply chains can be over 10 layers deep, with suppliers from all over the world. The sectors are concerned about the difficulty of providing the information requirements for the database when upstream producers will only provide information in line with REACH Article 33.
Interface and testing	Stakeholders requested greater clarity on the interface of the database. NGOs indicated that the success of the database centres on an interface which is user friendly. Stakeholders recommended usability testing should include stakeholders. One such stakeholder indicated that specialist IT consultants should be involved in the project. Two trade associations expressed concerns about the potential cost to SMEs if the user interface is impractical and requires significant manual data entry. Industry reiterated that the interface must link to existing systems in manufacturing and not require manual data entry through a web-based application.
Enforcement and compliance	The complexity of certain products and their supply chains has also provoked concerns about how compliance will be ensured and about successful enforcement. Stakeholders requested further clarity from ECHA concerning compliance and enforcement. The mechanical engineering, electrical engineering, electronics and metal technology industries want to ensure that any follow up requirements are applied to the same degree for EU produced products and imported products to maintain a level playing field.

Key points	Comments
Language	Three comments have been made requesting clarity on the language requirements for the database and a desire for the database to be multilingual.
Short consultation period	Trade associations stated that they could not consult with all their members in time.
Packaging	Packaging is understood to be in scope of the database if it meets the conditions of REACH Article 33(1), however an industry stakeholder requested greater clarity on how the database will incorporate packaging. The same stakeholder suggested standardising options for packaging in the field "*Name of Article*" and using the PCN tool from Poison Centres as a starting point.

3.2   Comments on Section 2 (Conceptual model of the database)

3.2.1   General comments

Respondents provided a total of 52 comments on the conceptual model of the database including 31 which were critical. The remaining were neither critical nor in favour of ECHA's proposal, but instead provided recommendations on improvements and/or posed questions for clarification.

The majority of the critical comments towards the conceptual model of the database were related to the potential administrative effort required to satisfy the data input requirements; these are summarised below:

- Most respondents were concerned about the administrative effort that would result due to the information requirements.

  - Industry stakeholders commented that the manual data input requirements would be overwhelming, especially in the case of complex objects like aeroplanes or automobiles which comprise millions of individual parts containing SVHCs, for which data would need to be submitted on the database. As per the proposed data reporting structure, each individual part would then need to be correlated to complex sub-components, components and assemblies, further adding to the administrative effort required.

  - A trade association representing the steel industry commented that, in the case of new imported articles, customs officers at border control would be required to determine the composition and SVHC content of imported articles, as these are not controlled by EU authorities during the production stage. The respondent noted that this seems impractical[2].

- A trade association representing the space industry had queries regarding the interface, namely, whether:

  - It will be possible for users to create new entries by copying older entries.

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[2] Please note that the responsibility to determine the composition of SVHC content in the article would likely be on the organisation placing the article on the market, rather than on the custom officers. Therefore, it is not clear if this is a realistic concern.

- ▶ Whether the only user interface will be via web applications. Their concern in this case would be that the database would be difficult to use for large companies, and as such data input methods should be further defined in ECHA's proposal.

- Industry stakeholders also expressed concerns over dealing with mixtures. In particular industry has requested greater clarity on who is responsible for entering information on mixtures and have noted a desire for formulators to be responsible.

- Additionally one stakeholder asked if article weight needs to be considered when a mixture with greater than 0.1% w/w SVHC is being incorporated.

- Some trade associations indicated that the administrative burden and cost placed on industry is disproportionate to the benefit from the database, with one requesting an impact assessment. The trade association for SMEs has additional doubts that the information requirements for the database are appropriate for the intended users.

- A plastics industry representative indicated their confusion on the target and aim of the database. They believe that the level of information will benefit consumers but not plastic recyclers. The respondent stressed the article-centric approach does not consider *how* plastic recyclers process waste.

- For the steel sector, the stakeholder indicated that due to the standardised requirements of steel recycling, the SVHC database will be of little or no value to this sector. The key requirement is to separate qualities of steel (carbon steel, alloy steel and stainless steel) and reduce the presence of recycling inhibitors (e.g. copper) in these streams. As copper is not an SVHC, the database will provide little improvement for the sector. It was indicated that when SVHCs are present in steel, there will be negligible releases of the substances as they are in metallurgical form within the material. Steel recyclers currently have an economic incentive to reduce the release of these substances during recycling.

- A stakeholder representing electronic components was concerned about how the database will handle legacy products (e.g. which have been on the market for 30 years) and the issue of second-hand products.

- Four trade associations (representing plastics, aerospace, space, and recyclers) thought the proposal lacked clarity relating to how the database will handle the lifetime of products, any modifications to the product and the inclusion of new substances on the candidate list updates.

Some of the stakeholders proposed specific suggestions, the majority of which were related to data input methods. The specific improvements proposed included:

- Several respondents representing industry commented that the database should allow automated input (or bulk upload) of information via, for example, a system-to-system interface that would allow companies to input information that they already collect

- A trade association representing the space industry proposed that integration of the database into major enterprise resource planning (ERP) systems would allow companies to process relevant information internally and then automatically submit it to the database.

- It was recommended by a trade association representing waste, water and raw materials management industry that the database should notify users when products containing SVHCs are placed on the database.

- Aggregating data according to "products stream" at end of life was indicated by an NGO and waste treatment operator as more valuable than the article-centric approach as waste is treated by waste product streams not by individual articles.

- Four industry representatives also seek the possibility to submit notifications on behalf of company affiliates and argue this will reduce work load and improve quality of data.

- Two industry stakeholder requested changing the wording of 'notification' as this is already used with regards to Article 7(2) of REACH. The stakeholder suggests using 'article data submission'.

- Plastic recyclers highlight that identifying individual articles in plastic waste streams is not practical given the age and use of the products. Their current experience shows that SVHCs in plastic streams stem from older products with legacy additives or substances; such articles will not be in the database. The stakeholder for the plastic industry has stated that it would be useful if the database could help indicate the probability of SVHCs being present in a waste stream.

3.2.2 Comments on Section 2.1 (Definition of the substance and article entities)

Eight respondents, comprising seven trade associations and one NGO, altogether provided a total of 16 comments on Section 2.1. Out of these 16 comments, 10 were critical towards ECHA's proposal. The remaining 6 were recommendations on specific improvements. The critical comments also provided recommendations on specific improvements.

Many respondents disagreed with the definitions used in ECHA's proposal, stating that they are not included within clearly defined legal texts. A summary of the critical comments received for this section, along with associated recommendations on specific improvements where they were provided, is presented below:

- Several trade associations suggested that the definitions provided for "product", "complex objects" and "article" are not defined in European chemicals legislation (REACH, CLP) or the Waste Framework Directive[3]. They recommended that only clearly defined terms from European legislation should be used.

- The definition of "complex objects" was deemed by some respondents as not being accurate with respect to the database. They state that although a complex object may be composed of two or more components in the physical world, this may not always be reflected within the database. This is because, if a complex object is composed of two articles and one of them *does not* contain an SVHC, that article does not need to be registered in the database. In this case, the complex object is composed of only one article in the database.

- Concerns were raised by a trade association representing digital industries that, due to confidentiality of data and the protection of European intellectual property rights regarding confidential business information on products, some manufacturers may not want to share information on articles within complex objects. Moreover, they noted that ECHA's article unique identifier would not always be known to manufacturers (it was not clear from the comment why this issue is expected).

- A trade association representing steel industries required further clarification regarding how to determine the percentage of SVHC within articles where paints and coatings are involved. When paint is applied onto articles in multiple layers, the articles may end up containing over 0.1% w/w SVHC.

An additional recommendation on specific improvements on this section is presented below:

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[3] Please note that "article" is in fact defined in REACH (Article 3(3)), "complex objects" are defined in ECHA's guidance on substance in article (SiA) based on relevant case law.

- An NGO involved in European chemicals policy recommended that the database should include provisions to supply additional information, which could be relevant for waste operators, for e.g. information on how to separate a complex object.

3.2.3 Comments on Section 2.2 (Scope of the information to be kept record of)

11 respondents, all representing industry, provided a total of 14 comments on Section 2.2. Out of these 14 comments, 10 were critical towards ECHA's proposal on the scope of the information to be kept record of. The remaining comments were either only neutral statements or recommendations on specific improvements. Several of the 10 critical comments included recommendations on specific improvements.

A favourable view was provided during an interview with a waste treatment operator who indicated that they presently lack the level information envisaged in the database and would have to spend a lot of resources to find out what substances are present.

Many of the concerns raised by respondents were related to the risks associated with disclosing confidential information to third-parties via the database. A summary of the critical comments received for this section are presented below:

- Respondents from trade associations (representing the retail, wholesale, DIY retail and home appliances industries) raised concerns about the potential risks of disclosing confidential information (e.g. business-sensitive information on supply chains) to third-parties via the database. As such, it was recommended that the "duty holder (party)" information requirement as one of the identified entities of the database be removed.

- A respondent from a trade association representing digital technology industries mentioned that it is not clear how the information in Section 2.2 will be implemented in the database (no further detail was provided).

- It was stated by the same respondent that the "administrative" information is not legally required, only the "technical" information is. It was recommended that notification requirements should be limited to only legally required information.

Additional recommendations on specific improvements provided in comments on this section include:

- Trade associations representing the digital technology and the imaging & printing industries mentioned that, to easily submit one notification for multiple legal entities, the database should allow for more than one party to be linked to a notification.

- A respondent from a trade association representing waste, water and raw materials management industries recommended that the database should link to safety data sheets to provide quick and easy access for users such as recyclers.

3.3 Comments on Section 3 (Information requirements)

3.3.1 Overview

Section 3 of ECHA's proposal document received the majority of comments: 353 out of 531 written comments are regarding this section. Table 3.2 below gives the breakdown of the parts of Section 3 which received comments. The majority of feedback relates to Table 1. The majority of comments were critical.

Table 3.2 – Tally of which parts of Section 3 in ECHA's proposal document received comments and analysis on the approval of the proposed information requirements.

Specific part of Section 3 in ECHA's proposal document	Total	Favourable	Neutral	Critical
Table 1	192	3%	17%	80%
Table 2	99	2%	31%	67%
Table 3	13	0%	44%	56%
Table 4	20	0%	22%	78%
Other	29	5%	47%	47%
Grand Total	353	3%	24%	73%

3.3.2   General comments

There were several general points made by stakeholders:

- An industry stakeholder commented on the life time of complex objects in which used objects do not enter the waste or recycling stream for up to 50 years or more. Consequently the information will not be in use but must be kept available for a long period (the implications are not further elaborated on in the comment).

- Several industry stakeholders want to remove all the optional fields specifically in the initial rollout of the database and have stated that the fields can be introduced in a later version. The stakeholders believe that this will reduce potential errors in the initial phase of the database.

- An NGO stakeholder would like to limit the use of free text boxes as it will reduce the searchability of entries because of potential spelling mistakes.

- Another NGO highlighted the "*US Health Product Declaration*"[4] as possible inspiration for the database content and structure.

- Grouping submissions has been suggested by industry. The imaging and printing industry provided an example of printers which are materially and physically identical however loaded with different software and sold as separate products. Another stakeholder highlighted the situation when two products differ slightly but there is no change in the SVHC content of the article or complex object. In such cases, industry stakeholders have requested the ability to group submissions of products.

- Representatives from the aerospace sector have said that the recursive block approach is not workable because such a breakdown of aerospace sector products risks exposing confidential business information. Military products from the US Department of Defence have been highlighted as particularly problematic as the products are sensitive and information on these cannot be available to the public.

3.3.3   Table 1 – Identifiers

A total of 30 respondents, comprising 25 trade associations, 3 NGOs and 2 waste operators, altogether provided a total of 148[5] comments on the Identifiers in Table 1 of Section 3 (Information requirements) in

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[4] *https://www.hpd-collaborative.org/*
[5] Note: there is some overlap in comments which contain feedback on multiple information requirements.

ECHA's proposal document. The majority are critical towards ECHA's proposal and many stakeholders have sought clarifications or provided suggested improvements. The key points from the consultation are presented in the table below.

Table 3.3 – Key points on the information requirement regarding identifiers

Information requirement	Key points
Article ID	Stakeholders from industry and a waste operator understood this field is a necessary requirement but see limited value to end users of the database. Stakeholders are unclear when IDs are generated by the system and when the submitter has to provide the information. Industry stakeholders highlighted that, if the Article ID needs to passed down the supply chain, it would be unworkable due to the complexity of supply chains, with several suppliers for the same article, the additional burden to update existing IT system and having to process the new identifiers during manufacturing. Some industry stakeholders suggested that, if the submitter is to provide the Article ID, then they would match the ID to the existing ID used in production. However stakeholders from the automotive, aerospace and space sectors highlighted that the ID codes used in manufacturing change through the supply chain. The suggested codes types of EAN and UPC have received a generally critical response from industry. A stakeholder for technology goods states that they do not work for articles used to manufacture complex articles as both code types are defined differently depending on the role in the supply chain. A stakeholder is concerned about the technical implications if both codes are used because EAN codes are 13 digits and EPC codes are 12 digits. Another stakeholder highlighted that if multiple different types of codes are to be used then there must be an additional field to select the type of ID being used by the submitter. A representative of the medical technology industry indicated a potential application of Harmonized Tariff Schedule (HTS) codes for this field. However, it is believed that these are not article-specific (unique) and more suited to groups of articles. A trade association for the medical technology industry suggested that IPC codes would help integrate the database to their existing system such that the database input fields can be directly entered. Potentially applicable codes are IPC 1752b specifically for the Waste Framework Directive, 1752a for material declaration and 1754 relating to aeronautics. A major concern across all industry sectors is the risk to of disclosure of confidential business information on the supply chain. Industry requests that this field should not be searchable.
Article Name and Other Name	NGOs stressed the importance of entering brand names in this field as it will help consumers and waste operators identify products. They also suggest that the field must be searchable. They state if the brand name is to be entered in the "Other Name" field then this field must be made mandatory. Without entering "brand; model; type" the database entries risks being too vague according to another NGO. However a trade association for SME businesses questioned the usefulness of these fields to recyclers as they handle waste streams not individual objects. Industry reiterated that names of a given article may change along the supply chain and names used are often cryptic, not descriptive. For complex supply chains with articles arriving from around the world and for imports, industry representatives said that submitters will lack knowledge of the name of all articles in complex objects. Industry also stated that the "Article Name" goes beyond the legal requirements of Article 33(1) of REACH and the field should be made optional.
EU production flag	The complexity of supply chains in the automotive, space, aerospace and electronics industry has been flagged as potentially limiting input for this field. Some industry respondents believe that disclosing such information is discriminatory against manufacturing outside the EU and potentially does not conform with EU anti-discrimination laws. Some industry stakeholders questioned the relevance of this information to the aims of the database. Furthermore, industry also state that the "EU production flag" goes beyond legal requirements of Article 33(1) of REACH and the field should be made optional. Stakeholders have suggested the use of a dropdown list to ease submitting this information. All NGO stakeholders stated the field is important to consumers and should be made mandatory. An NGO said the production country is not as important as the place the article is sold as then the field can be used to understand the likely content of waste streams in individual countries.

Information requirement	Key points
Article category name and code	The use of Combined Nomenclature (CN) codes is considered appropriate for finished products however stakeholders from the digital technologies, imaging and printing industries find the use of CN codes as inappropriate for "sub-articles". In the case when importers or manufacturers are responsible for finished products it is possible for them to assign the article category name and code for the finished product but the SVHC may be present as part of a sub-article within the finished product, in such cases the submitter will not know the CN code or name. CN codes are also considered impractical for the steel and aerospace sectors as stakeholders believe the codes are too broad and greater granularity is needed. For the aerospace sector it was highlighted that there are 15 codes are labelled "other" under the "Aerospace and Defence" heading; these do not provide a clear categorisation of articles. Industry representatives also stated that the "Article category name and code" goes beyond the legal requirements of Article 33(1) of REACH and Article 9(1)(i) of the Waste Framework Directive. Industry stakeholders believe the field should be optional. A waste treatment operator identified the potential application of European Waste Catalogue (EWC) codes. However, EWC codes categorise waste according to what the waste is and the activity which created it. Using EWC codes would result in the same articles falling into more than one category and it would be impractical for submitters to enter this for the products that they supply. Some industry stakeholders also want to reduce information input by having to input just the CN code and allowing the name to be automatically linked and inputted using the code.

Some further comments and questions on the topic of identifiers, all from industry include:

- "Which information is required if the article does not match any of the listed type options under "Article ID"?"

- "It is not clear if the requirement is to fill in Article name / type **and** Entity or if Entity is optional".

- "Is the article categorization per ANNEX I of regulation 2658/87 for the complex object or the article?"

- "Waste stream definition is not necessary according to REACH Art. 33(1). It is difficult to decide for an article by each 'party' 'duty owner' [sic]".

3.3.4   Table 1 - Safe Use Instruction

A total of 30 respondents, comprising 25 trade associations, 3 NGOs and 2 waste operators, altogether provided a total of 37[6] comments on the Safe Use Instructions information requirements from Table 1 of Section 3 in ECHA's proposal document. The majority of comments on the safe use instructions are critical towards ECHA's proposal and many stakeholders provided suggested improvements. The key points from the consultation are presented in Table 3.4.

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[6] Note: there is some overlap in comments which contain feedback on multiple information requirements.

Table 3.4 – Key points on the information requirement regarding safe use instructions

Information requirement	Key points
Safe use instruction phrase/statement and code	The inclusion of this field was welcomed by NGOs, though two of these stressed that the option of selecting "*No need to provide safe use information beyond the identification of the Candidate List substance*" was not acceptable. One of the NGOs also indicated that safe use instructions are currently only necessary when exposure is possible; however, exposure in some cases will occur from products when used in an unsafe manner. Some stakeholders commented that safe use instructions should include the location of the SVHC in the product. Some Industry state that the "Safe use instructions" for the waste-stage goes beyond the legal requirements of Article 33(1) of REACH and Article 9(1)(i) of the Waste Framework Directive. Industry stakeholders believe the field should be optional. For electronic goods, stakeholders believe the requirement is disproportionate to benefit as they already provide safe-use instructions to consumers as part of the product manual and waste handlers would use information from existing legislation (the WEEE Directive). Industry stakeholders also state that if an SDS is currently provided then it should be possible to attach the SDS in this field of the database. An NGO representing waste treatment operators also suggested that the possibility to link to the safety data sheet would be beneficial to the industry. Five industry stakeholders have highlighted that if they already provide safe use instructions for a professional user downstream then this is what they intend to provide in the database, these safe use instructions will not be for waste operators. The stakeholders are from the aerospace, automotive, electronic goods and retail sectors. An industry stakeholder has highlighted that a standardised approach to providing this information will improve the quality of information and reduce the burden on submitters. A stakeholder indicated that the information is important however in practice industry will only provide substance name and an indication about the required type of disposal (landfill, incineration and recycling). The stakeholder suggested that, rather than repeating the declaration of information, it may be worthwhile to "*data mine the registration dossiers submitted by registrants*" and reduce the workload for industry by removing duplication of administrative work. Waste operators note that information on individual articles is currently impractical.
Life-cycle stage target audience	An industry stakeholder requested that this option field be a drop-down menu, such that specific users can be selected. An industry stakeholder said that "*Lifecycle states need to align to standard processing and EU Commissions Circular Economy taxonomies*".
URL for detailed instructions, disassembly	Some NGOs indicated that this is a crucial field and must be made mandatory. Stakeholders from the mechanical engineering, electrical engineering, electronics and metal technology industries, retail sectors and companies specialising in data management preferred the ability to upload or attach documents instead of using URLs. The stakeholders highlighted that URLs can change and information may get lost, particularly considering the lifetime of products. Aerospace and space sectors have noted that this information already exists for products in their industry. This information however includes confidential business information such as technical drawings. Industry stakeholders have stressed concerns about providing disassembly instructions for military products. They highlight that recursive block and dismantling information on e.g. US Department of Defence products is sensitive and controlled information which should not be available to the public. A stakeholder indicated that this is particularly relevant information for complex articles and suggested the adoption of pictures and "exploded maps" to help dismantling. The steel industry welcomed this information requirement and indicated such information could help extract a greater amount of steel from waste. Another trade association indicated that their members do not know what information and instructions waste handlers need with respect to this field.

3.3.5   Table 1 - Complex object component, picture and article characteristic value

A total of 30 respondents, comprising 25 trade associations, 3 NGOs and 2 waste operators, altogether provided a total of 35[7] comments on the Complex object component, picture and article characteristic value information requirements in Table 1 of Section 3. The majority of comments were critical towards the proposal and many stakeholders want greater clarity on specific information requirements and have suggested improvements. The key points on from the consultation are presented in Table 3.5.

Table 3.5 – Key points on the information requirement regarding Complex object component, picture and article characteristic value

Information requirement	Key points
Quantity in complex object	This information field was considered out of context by industry and irrelevant to the purpose of the database. Industry stressed that the requirement is to only provide information on the presence of SVHCs in a product. Industry state that the "Quantity in complex object" goes beyond legal requirements of Article 33(1) of REACH and Article 9(1)(i) of the Waste Framework Directive. Industry stakeholders believe the field should be optional. A representative for recyclers highlighted that understanding the number of units with SVHC in a waste stream is not as useful as knowing the weight of SVHCs in a waste stream. Three industry stakeholders wanted greater clarity on the terminology used for this information requirement. They wish to know what quantity was specifically being asked for and what is meant by "Number of occurrences". The complexity of supply chains in industry means it would not be possible for all manufactures to know how many articles are in complex articles they incorporate.
Picture	Stakeholders from mechanical engineering, electrical engineering, electronics and metal technology industries, retail sectors and companies specialising in data management preferred the ability to upload or attach documents instead of using URLs. The stakeholders highlighted that URLs can change and information may get lost, particularly consider the lifetime of products. Pictures were highlighted by some NGO stakeholders as important because they will help to identify products and hence they should be mandatory. However other stakeholders have highlighted that these are not practical as many products will not become waste for a long period of time, during which the appearance can change drastically.
Article characteristic	Some industry stakeholders state that the fields related to "Article characteristic" goes beyond the legal requirements of Article 33(1) of REACH and Article 9(1)(i) of the Waste Framework Directive. Industry stakeholders believe the field should remain optional. Industry stakeholders consider providing information on article "Dimensions, Height, Width, Length, Weight, Density and Package quantity" is not necessary given the purpose of the database. Stakeholders also requested clarification on the meaning of "Article Characteristic Value" and "Unit" in this field.

Questions and requests for clarification regarding this topic, all from industry, include:

- "Multiple data elements defined in one field - need to highlight if the field is expected to be a drop-down selection list".

- "What is meant by "value" (requires clarification)".

- What is quantity is being referred to "Quantity in complex object" and what is meant by "Number of occurrences".

- "Will there be multiple selection for weight and length etc.?"

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[7] Note: there is some overlap in comments which contain feedback on multiple information requirements.

3.3.6 Table 2 – Identification of substance

There were a total of 99 comments on the information requirements detailed in Table 2 of ECHA's proposal document, the majority of which concern identify of the substance (35 comments). Table 3.6 presents the key points.

Table 3.6 – Key points on the information requirement regarding Identification of substance

Information requirement	Key points
Candidate list entry type	All NGOs believe that the database must include the potential for submitters to input the full composition of products. NGOs also stressed the need to ensure that the list of substances remains up to date. Many stakeholders have requested greater clarity on how the database will handle updates to the candidate list and how their submissions are to be updated. Stakeholders from industry, waste operators and NGOs request guidelines for such occurrence. Industry representatives requested that the parameters EC number and CAS number must populate themselves automatically after selecting the substance to reduce workload on the submitter. Two stakeholders have highlighted that not all candidate list entries have EC or CAS numbers. It is believed that the comments related to grouped substances which would be entered in a different field. Representatives of the space and aerospace sectors queried why complex articles must be broken down into individual articles to identify the SVHCs. These trade associations cite confidentiality concerns of this approach for military products in their industry in particular. A stakeholder suggested that the inclusion of Candidate List substances must be exhaustive with all numerical identifiers provided. A stakeholder stated that there is the potential for confusion. The stakeholder suggests if group names are to be included in the "Substance name" then the data field called "Substance name" on under "Substance belonging to a group entry in the Candidate List" should have a different title.
Substance belonging to a group entry in the Candidate List	An industry stakeholder raised a concern that the grouping of the substances would need to be contained in the database (including the unique identifiers of the substances) and, that, if this information is free-text, there is a risk that the information would not match the substance grouping of the candidate list. Three NGOs do not understand why the fields on group entries are optional.
Candidate List Substance Version	Many industry stakeholders have requested that this field be inputted automatically when substance is selected earlier in database entry to reduce submitter workload. Whilst duty holders should reasonably know what SVHC is present in their product, they may not know which version of the Candidate List is currently relevant.

3.3.7 Table 2 - Concentration range

There were a total of 21 written responses on the concentration information requirement from 13 industry stakeholders, 4 NGOs and 2 waste operators. The key points from stakeholders are:

- All NGOs reacted favourably to the field being mandatory however they all stated the option to use the range *">0.1% w/w/ and ≤100% w/w"* was too broad.

- Some industry stakeholders stated that they will use the broadest range *">0.1% w/w/ and ≤100% w/w"* which should be made the default entry.

- Plastic recyclers noted that using the broadest range will mean there is large uncertainty as to the SVHC content. The stakeholder also highlighted that their industry must comply with product standards which require testing for SVHC content even when SVHCs are present below the 0.1% w/w threshold. Consequently the plastic recycling industry question the value of the database, as currently designed, for their sector.

- Waste operators have highlighted that knowing the mass of SVHCs in waste streams is more valuable than the knowing the concentration of SVHC in an article. The stakeholder suggested using the concentration of SVHC in the article and weight of the article such that the mass of SVHCs can be calculated.

- Some industry stakeholders are concerned about having to communicate information on concentration downstream. Additionally other industry representatives are concerned that they lack the tools to calculate the concentration.

- Some stakeholders want to correct two of the concentration ranges: **"≥ 0.1% w/w** *and < 0.3% w/w*" and **"≥ 0.1% w/w** *and ≤ 100% w/w*" are stated as being incorrect. The stakeholders said the ranges should read "**> 0.1% w/w** *and < 0.3% w/w*" and "**> 0.1% w/w** *and ≤ 100% w/w*" to match the legal requirement in REACH Article 33(1).

3.3.8   Table 2 - Material and mixture category

There were a total of 28 written responses on the material and mixture category information requirements from 13 industry stakeholders, 4 NGOs and 2 waste operators. The key points from stakeholders are:

- Industry are concerned about how to enter information on composite articles and objects.

- Industry also are concerned that, when mixtures are added to manufactured products, there will be a lack of information from further up the supply chain. A trade association for digital products requested that the field be optional.

- Respondents from two steel trade associations commented that REACH does not have a legal definition of "material category". It was therefore recommended that the term "material category" be defined.

- Conversely a waste treatment operator stressed that information aggregated to this degree would be most useful considering that treatment of waste deals with streams of waste and not individual articles.

- The suggested European Product Categorisation System (EuPCS) approach received negative feedback, stating:

  ▸ Mixture category via EuPCS is not widely known or understood,

  ▸ EuPCS is only used in the EU and importers will not be familiar with the system,

  ▸ There are products excluded from EuPCS which are relevant and used in the aerospace industry. The exemption would mean these products cannot work with the system and consequently EuPCS is not workable for the aerospace sector.

- A stakeholder requested flow diagrams and clear explanation of where source data can be found for Material Category and Mixture Category data.

- A stakeholder for the aerospace sector stated: "*the presence of a chemical is primarily determined through specifications (Material and/or Process) not the base material on which the material is applied or incorporated into. These fields would add significant additional burden and complexity with questionable usefulness.*"

- Many industry stakeholders stated that the fields related to Material and Mixture category go beyond the legal requirements of Article 33(1) of REACH and Article 9(1)(i) of the Waste Framework Directive. These stakeholders believe that the field should remain optional.

3.3.9   Table 3 - Information requirements for the Party (submitter)

There were 13 responses specific to Table 3, the key points being:

- Industry stakeholders want to be able to group different company entities into one and reduce workload. Three Stakeholder requested that these fields should save information to avoid having to re-enter the same information for every entry.

- Stakeholders seek greater clarity on "*ECHA's company unique identifier*" and a trade association seeks greater clarity on the phrase "*In principle, this information will not be made available to the database user*"[8].

- An industry stakeholder has requested the ability to allow "*non-EU entities to enter data on behalf of their customers, especially when there is a large volume of data or a very complex product.*" The stakeholder notes this would require new information fields in the database to identify the non-EU entity.

- One stakeholder is concerned about GDPR compliance.

- Six industry stakeholders reiterate that information cannot expose confidential business information.

3.3.10   Table 4 - Information requirements for the Article notification

There were 20 responses specific to Table 4, the key points from stakeholders being:

- NGOs stressed the importance of regular updating of entries in the database to ensure its usefulness. One NGO suggested that the database include an alarm system to alert the submitter when database entries need updating. The stakeholder did not know of any existing databases with such a function.

- An industry stakeholder has raised a concern that confidential information on supply chains could be exposed by "*ECHA's item unique identifier*" and "*ECHA's company unique identifier*". The stakeholder requested that these be removed.

- Two stakeholders have requested greater clarity on how article notification is to be updated. They have requested definitions and examples of "*Event type*", "*Event justification*" and "*Event timestamp*".

- Some industry stakeholders stated that the updating a submission because of an "*Event justification*" goes beyond the legal requirements of Article 33(1) of REACH and Article 9(1)(i) of the Waste Framework Directive. Industry stakeholders believe the field should remain optional.

3.4   Comments on Section 4 (Examples illustrating the content of foreseen submissions)

14 respondents, all representing industry, provided a total of 31 comments on Section 4. Out of these 31 comments, 21 were critical while the remaining 10 were neutral or provided recommendations on specific improvements. Some of the critical comments also included recommendations on specific improvements.

A summary of the critical comments made by respondents is presented below:

- Respondents from two steel trade associations pointed out that in Example 2, an O-ring makes up a very small proportion of a car (0.0025 % w/w) and therefore it would not be useful for a

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[8] This statement is in the interview guide and not ECHA's proposed document.

recycler to have this information. Furthermore, it would not be possible to find such a small part in the given time for processing the waste or scrap.

- A respondent from a steel association commented that in Example 2, due to the large number of companies involved in the supply chain, several companies would be required to submit a notification regarding O-rings and this would cause a disproportionately large administrative effort.

- Respondents from trade associations representing the digital technology, engineering, space and electronics industries were unclear how useful some information requested would be, e.g. article category, article ID, ECHA's unique article identifier, etc. Furthermore, the respondents state that much of the mandatory identifier data may not be available to the submitter.

- Likewise two waste treatment operators identified that the example with the O-ring and car produces a large amount of detailed information, however, this information is of little value to their processes. One of the stakeholders representing the recycling industry commented that the O-ring is unlikely to be recycled. The other waste treatment operator appreciated the information, but wants to narrow the information content to be more appropriate for waste treatment.

- Respondents from three steel trade associations commented that, in Example 1, the type of steel described is stainless steel, but this type of steel does not contain lead. As such, it was recommended that Example 1 be replaced with a more accurate one.

- Three stakeholders from industry and an NGO found the examples too simple and idealised. These stakeholders requested more detailed examples.

- An industry association questions why the engine is an intermediate product in the O-ring example. They understand the car is the finished product but note that a car manufacturer will not enter the sub-components such as the engine into the database for finished products.

Additional recommendations on specific improvements on this section are presented below:

- A respondent from a trade association representing digital industries recommended that a more efficient and targeted approach needs to be developed on how to identify SVHCs in imported products and that ECHA should consider introducing harmonised international standards for identifying materials (e.g., Harmonized System - HS, Combined Nomenclature – CN, adopted WEEE directive categories).

- An industry stakeholder suggests specific examples relating to lead, surface coatings and glues would be helpful.

- Members of a trade association for the electronics industry requested examples more relevant to their industry.

- An industry association for medical technologies indicate that they will work with a member organisation to provide an example for a product in their sector.

- An industry association for the electronics sector indicates that an example with non-EU manufacturers would help their members.

4.   Conclusions

The written feedback on ECHA's proposed detailed information requirements is dominated by views from industry, both in terms of the number as well as the level of detail of comments received. 30 out of the 37 organisations providing written feedback represent industry. Importantly, only 2 respondents represented waste operators and they provided rather general feedback. However, it should be noted that a lack of comments does not necessarily mean indifference (it could simply mean agreement).

The number of interviews with industry representatives exceeded the number of interviews with non-industry stakeholders.

With these caveats in mind, the following overall conclusions can be drawn from the analysis of the written feedback:

- Most comments (both in total and on virtually all individual topics) were categorised as critical towards ECHA's proposal. The critique is often split into divergent opinions. In many cases industry suggests limiting the information requirements while NGOs suggest expanding information requirements.

  ▶ Overall, comments from industry state that information requirements expand beyond legal requirements for the database; arguing that those information requirements should either be deleted or requirements that are currently mandatory should be made optional. It is also argued that the number of fields and particularly free-text fields should be reduced to ensure workability.

  ▶ Many other critical comments from industry raise concerns over workability and the administrative burden required from duty-holders, particularly for complex objects like e.g. aeroplanes, without making concrete proposals for how to improve the suggested information requirements.

  ▶ During the interviews, industry highlighted the disproportionate burden on them to provide this information in operation when compared to potential benefits to waste treatment. Waste treatment operators explained that for their treatment processes, the current information requirements would provide more benefit if aggregated to give greater insight on the likely content within combined or bulked waste streams.

  ▶ On information requirements for the Composition of Concern (CC) and substance specifically, most comments suggested that the requirements could be simplified and/or make more use of automatically filled fields. Across industry, waste operators and NGOs, there was a desire for greater clarity on how updates to existing entries for new SVHCs must be addressed.

  ▶ NGOs generally argued for more specific details (e.g. about where in a complex article the SVHC is located) to make the database relevant for consumers and waste operators.

  ▶ The split into opposing opinions means that the number of critical comments alone does not allow one to conclude on the suitability of ECHA's proposal. Furthermore, with industry commenting in larger numbers and detail, care must be taken not to view the sheer number of comments requesting a reduction of information requirements as an indication that ECHA's current draft proposal is a good compromise across the views of different stakeholders.

- Other key issues raised by stakeholders in response to ECHA's proposal document include the following:

▶ Industry representatives raised concerns around the potential of disclosing confidential business information on products and supply chains (e.g. through article and supplier IDs) to third parties. This was seen to be a particular issue related to e.g. weapons and defence or other safety/security equipment. However it is likely also applicable to other product types.

▶ A significant number of respondents highlighted examples in which ECHA have referenced "REACH Article 33", however, the stakeholders suggest the complete reference should be "REACH Article 33(1)", which implies a more limited scope.

▶ Some industry stakeholders expressed concern about the use of 'one-size-fits-all' identifiers (e.g. article type). It is argued that companies should be allowed to use identifiers known to the company and/or the sector. Although, there are also some general concerns raised that different duty holders (especially across different sectors or uses) might assign different identifiers to the 'same' article, this could potentially create issues when selecting articles in the database or having to provide ID codes in the supply chain.

▶ Some industry stakeholders suggested that categorisation systems used in relation to specific regulations (e.g. EEE categories under WEEE and EPR schemes under WFD) should be used where possible.

▶ Several comments suggested that the information requirements should accommodate the use of system-to-system interfaces (e.g. ERP systems), automated input or bulk upload of information, to reduce the administrative burden.

▶ Concerns were raised that the definitions provided ("product", "complex objects" and "article") are not defined in existing legislation (e.g. REACH, CLP or WFD). However, "article" *is* defined in REACH (Article 3(3)) and "complex objects" are defined in ECHA's guidance on substance in article (SiA) based on relevant case law.

▶ Several of the points raised by stakeholders and noted above could be dealt with quickly through clarification and potentially more and different examples by ECHA. These could focus on confirming how the database will exactly operate when the described information requirements are implemented.

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Issued by

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Nikul Pandya

Approved by

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Julius Kreißig

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Appendix A
Interview guide

Detailed information requirements for the database on articles containing Candidate List substances under the Waste Framework Directive

1.   Introduction

The European Chemicals Agency (ECHA) has contracted a team led by Wood Environmental & Infrastructure Solutions UK Limited ("Wood") with partner COWI A/S to provide support in the establishment and maintenance of a database on articles containing Substances of Very High Concern (SVHCs) in the Candidate List[9].

On 24/05/2019, ECHA circulated a proposal for "detailed information requirements for the database on articles containing Candidate List substances under the Waste Framework Directive" to a group of stakeholders (close to 100 organisations: those that participated in the October 2018 workshop or that otherwise have shown an interest in the project) and has invited to provide feedback by 07/06/2019.

Wood and COWI are now conducting further in-depth interviews with selected stakeholders to help ECHA gain a better understanding of the perceived strengths and weaknesses of the current proposed information requirements from the point of view of various stakeholder groups. In this context, we would like to invite you to a telephone call lasting about 30-60 minutes.

The main focus of this consultation is to gather additional feedback relating to the specific information requirements and not on outstanding legal and/or policy questions with regard to Article 9(1)(i) and Article 9(2) of the Waste Framework Directive. Any specific information requirement outlined in ECHA's proposal can be discussed during the call. The questions that follow just provide an indication of areas for further discussion during the call. We do not need to cover everything and not all questions will be relevant to you.

2.   Conceptual model of the database

- Are the scope and definitions for the development of the database clear, and do you consider them appropriate? If not, could you please explain why?

- In your view, is the overarching database concept clear and appropriate? If not, could you please explain why?

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[9] As required by Article 9(2) of the recently revised Waste Framework Directive

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3.   Specific information requirements

Considering the specific information requirements included in Section 3 of the "detailed information requirements for the database on articles containing Candidate List substances under the Waste Framework Directive", please share your view of the strengths/weaknesses of all rows or sections of interest to you, as well as specific suggestions for removals/additions/changes. Some specific aspects of particular interest are noted in each section.

Table 1. Information requirements for **Article**

Information requirement	Additional details	Strengths	Weaknesses	Suggestion for removals / additions / changes
Article ID (numeric or alphanumeric) and type	One identifier to be set as a mandatory "primary identifier" so that the submitter can access their submission later on. Others will be optional. Potentially only identifiers generally used for consumer articles (e.g. EAN/bar code number) will be made available to users of the database to avoid the possibility to identify actors in the supply chain.			
Article name, other names and respective type	The name (mandatory) and other names and respective type (optional) will potentially be made available to database users to allow target searches.			
EU production flag	Answers the question: Is the article/complex object produced or assembled in the EU? Mandatory, with the option of "not willing to disclose".			
Article category name and code	Based on the Combined Nomenclature (relevant codes and descriptions). Will be mandatory and made available to users to allow target searches/multilingual searches.			
Safe use instruction phrase/statement and code	Mandatory. Will include, among other phrases, a specific entry stating "No need to provide safe use information beyond the identification of the Candidate List			

Information requirement	Additional details	Strengths	Weaknesses	Suggestion for removals / additions / changes
	substance" and an entry "Other:" followed by a free text field.			
Instructions for disassembling	Optional. Potentially it will be allowed to attach a short file or to insert a URL or email-address to request such instructions (for the notified complex object).			
Quantity of units in complex object	Mandatory.			
Article characteristic and picture	Optional.			

Table 2. Information requirements for **elements of concern** and **substance**

Information requirement	Additional details	Strengths	Weaknesses	Suggestion for removals / additions / changes
The identification of the Candidate List substance	Name and other available identifiers according to the Candidate List entry (dropdown list), as well as potentially the version of the Candidate List, will be mandatory. The identifiers of a Candidate List substance belonging to a group entry will be optional.			
Concentration range of the substance in the article	Mandatory. Will include the ranges: > 0.1% w/w and < 0.3% w/w ≥ 0.3% w/w and < 1.0% w/w ≥ 1.0% w/w and < 10.0% w/w ≥ 10.0% w/w and < 20.0% w/w ≥ 20.0% w/w and < 100% w/w > 0.1% w/w and ≤ 100% w/w			
Material/mixture category	• The material category will be picked from a list that is under development.			

Information requirement	Additional details	Strengths	Weaknesses	Suggestion for removals / additions / changes
	• Mixture category will be picked from EUPCS. It will be mandatory to select (at least) one of these categories.			

Tables 3&4. Information requirements for the **Party** (submitter) and for the **Article notification**

Information requirement	Additional details	Strengths	Weaknesses	Suggestion for removals / additions / changes
Information requirements for the Party (submitter)	In principle, this information will not be made available to the database user.			
Information requirements for the Article notification	For managing the notifications and their history			

4.   Examples illustrating the content of foreseen submissions

- Did you find the examples provided in Section 4 of ECHA's proposal to be clear? If not, please clarify which one(s) were not clear and why?

- Did they prompt any further questions about specific proposed information requirements? If so, please provide further details here.