

12 October 2020

**EU Ecodesign Regulation [No 2019/2021]
on Ecodesign Requirements for Electronic Displays**

BSEF reiterates view that ban on halogenated flame retardants in the enclosure and stand of electronic displays is unwarranted and will do nothing to support the EU Circular Economy Agenda

Background

The European Commission Regulation on ecodesign requirements for electronic displays¹ introduces a ban on halogenated flame retardants (HFRs), which is not based on any substantive scientific risk assessment and targets an entire class of chemicals nearly all of which are not subject to regulatory restriction.

The ban represents a significant regulatory precedent and opens the way for similar bans under the Ecodesign Directive² without recourse to well established and robust processes for determining whether a substance poses a significant risk to the environment or human health. It introduces uncertainty for chemical and plastics producers as well as value chains.

Brominated Flame Retardants – Important for Fire Safety and Circularity of Electrical & Electronic Products

The use of Brominated flame retardants (BFRs), in electrical and electronic products contributes to their overall safety (reduced propensity of material for ignition). This not only means a contribution to saving lives, but also products and property, thus preventing waste of resources. At the end of life, plastics products containing brominated flame retardants can undergo several waste management treatment options depending on the amount and composition of the plastics waste stream as well as on local conditions. BSEF companies are actively working with value chain stakeholders to further enhance circularity of materials by investing in novel end of life technologies.

BFR containing plastics from EEE are ready for circularity

The rationale for the introduction of the ban was, according to the European Commission, that HFRs hinder recycling. This is not supported by the facts on the ground as recyclers are efficiently handling these streams. The issue of waste treatment of plastics from electronic and electrical equipment, including displays and stands, is part of a much more complex situation involving multiple variables - WEEE collection systems, overall additive loadings, multiplicity of polymer types – it is not simply about flame retardant additives.

In fact, plastics containing brominated flame retardants are readily sorted and re-claimed. Plastics containing brominated flame retardants have been demonstrated to retain their mechanical and fire performance qualities far better than alternative systems. Chemical recovery processes from plastics with BFRs are real and these processes offer efficiencies and possibilities to deal with a wide variety of BFRs in mixed waste streams. Life cycle assessments of plastics with FR additives reveals that BFR containing plastics yield a better carbon footprint, essential for meeting UN sustainability goals. The total banning of halogenated flame retardants is misguided and uninformed as it ignores the reality and possibilities with respect to larger circularity and recycling issues surrounding electrical and electronic equipment in the EU.

¹ COMMISSION REGULATION (EU) 2019/2021 of 1 October 2019 – laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EC) No 642/2009 – p.241, Official Journal of the EU L315/241, 05 December 2019 ([Link](#))

² Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products - p. 10–35, Official Journal of the EU L 285, 31 October 2009 ([Link](#))

A recent study carried out on behalf of BSEF by SOFIES – experts on WEEE recycling – confirms that flame retardants and brominated flame retardants are not hindering recycling of plastics from electronic and electrical equipment. In fact, the current WEEE plastics recycling system in the EU ensures that **95% of BFR plastics** collected in the EU are currently separated and disposed of through official WEEE recycling channels.

The ban is unsubstantiated, and eco-design is not the appropriate legal framework

The Regulatory Impact Assessment undertaken to support the “ecodesign” measure did not fully assess coherence and consistency with relevant legislation specifically designed to regulate chemicals including when they are used in Electric and Electronic Equipment (EEE) (REACH, RoHS and WEEE). Some of the halogenated flame retardants have been or are undergoing assessment processes under these different frameworks, and therefore there is inherent contradiction in the Commission acting under the ecodesign framework independently from these other frameworks. It has been framed by the Commission as necessary to support the Circular Economy and to aid plastics recycling. It will do neither.

A blanket ban is not unjustified and is inconsistent with established regulatory instruments on waste and chemicals

The ban on halogenated flame retardants is inconsistent with the Commission’s own Better Regulation Guidelines in effectively side-lining the EU’s well-established legislative framework restricting the use of chemicals in articles, such as REACH and the Directive on the restriction of hazardous substances (RoHS) in electrical and electronic equipment. The RoHS Directive’s objectives in particular, are focused on reducing the risks to health and environment in the waste management stage associated with the use of hazardous substances, such as heavy metals, flame retardants and other substances in EEE.

The RoHS Directive has in the past restricted certain flame retardants in electrical and electronics and there is a current assessment ongoing with regard to a brominated flame retardant used in electronic and electrical equipment.

Other brominated flame retardants are also undergoing evaluations under REACH. Given these processes have yet to reach completion, BSEF contends that the blanket ban on HFRs effectively prejudices and compromises the objective assessments of these substances in the respective processes.

BSEF seeking annulment on ban of halogenated flame retardants

On the 20th February 2020, BSEF lodged a court case against the European Commission, requesting that the court annul the Commission Regulation (EU) 2019/2021 of 1 October 2019 laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EC) No 642/2009, insofar as it bans halogenated flame retardants.

Case number T-113/20 is now before the Court of Justice and BSEF look forward to hearing what the Court says in due course.

About BSEF

BSEF – the International Bromine Council, is the global representative body for bromine producers and producers of bromine technologies. Originally founded in 1997, BSEF works to foster knowledge on the societal benefits of bromine and its applications. The members of BSEF are Albemarle Corporation, ICL Industrial Products, Lanxess and Tosoh. Further information:

Visit www.bsef.org to learn more and follow BSEF on Twitter [@BromineInfo](https://twitter.com/BromineInfo) for the latest news and information.

Further information

Further information can be obtained from Dr Kevin Bradley kbradley@bsef.org