

APPLiA's Recommendations on the Methodology for the Identification of Substances of Concern Under the ESPR

APPLiA – Home Appliance Europe, the industry association representing home appliance manufacturers in Europe, fully supports the European Union's objective of enhancing product sustainability, durability, and resource efficiency. However, the methodology for Substances of Concern (SoC) currently being developed under the Ecodesign for Sustainable Products Regulation (ESPR) raises significant concerns regarding administrative feasibility, proportionality, and alignment with existing legislation.

Key Messages

The current SoC framework risks creating unworkable information obligations that are not sustained by existing supply-chain data flows, duplicating requirements already addressed through established legislation, and relying on hazard-based concepts without demonstrating their relevance for circular economy objectives. The mere tracking of substances for the sake of tracking is directly contrary to the EU's simplification agenda.

While APPLiA maintains its fundamental opposition to the SoC concept itself,¹ should the European Commission move forward with its implementation, the recommendations below set out the essential safeguards required. Specifically, APPLiA calls for a targeted approach that:

- **Applies One Single Definition Across EU Legislation:** Enforce one single definition and common methodology across all EU legislation to prevent diverging scopes, overlapping reporting requirements, unnecessary compliance costs, and internal market fragmentation.
- **Limits Substance Inventories to Accessible Information:** Restrict reporting strictly to intentionally added substances reasonably accessible to final product manufacturers, explicitly excluding process chemicals and Non-Intentionally Added Substances (NIAS), while applying short, closed, and stable substance lists.
- **Builds Exclusively on Established REACH Architecture:** Prioritise SoC (a) by relying on the existing REACH² Candidate List and REACH Article 33 "Once an Article, Always an Article" (O5A) principle, while rejecting reporting obligations for priority components.

¹ See [Joint Industry Call for a Harmonised and Workable Framework on Substances of Concern](#).

² Regulation (EC) No 1907/2006 for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).



- **Rejects SoC (b) and SoC (c) Information Requirements:** Exclude CLP-based³ hazard classifications, which are designed for substances and chemical mixtures rather than articles, and eliminate irrelevant tracking for POPs⁴ that are already subject to statutory prohibitions and thresholds.
- **Defines SoC (d) on an Appliance-Specific Basis:** Establish clear, evidence-based criteria through a European Commission- and JRC-led methodology involving recyclers, defining potential SoC (d) substances on a product-group-specific basis while maintaining harmonisation for standard parts.
- **Links Performance Requirements to Circularity, Not Bans:** Maintain a strict distinction between circularity metrics and chemical safety, avoid *de facto* substance restrictions through performance scoring, and require candidate alternatives to be technically qualified, industrially scalable, and commercially available.
- **Enforces ESPR Statutory Provisions:** Activate Article 38 of the ESPR to mandate upstream supply-chain information flows and strictly enforce the European Commission's statutory duty under Article 7(6)(b) and (c) to evaluate derogations.

1. ESPR Substance Requirements Should Remain Targeted, Risk-Based, and Aligned with Existing Chemicals Legislation

The ESPR methodology should focus on demonstrable, product-specific impacts on circularity rather than treating hazard classification as an automatic proxy for sustainability concerns.

Hazard assessment remains an essential element of chemical safety, and the relevance of a substance to ESPR requirements should be demonstrated through its actual impact on product circularity, material recovery, recycling processes, or end-of-life management, rather than being inferred solely from its intrinsic hazard properties.

The ESPR shall not duplicate, contradict, or undermine existing legislation such as REACH, CLP, POPs and RoHS.⁵ Where a substance presents a demonstrated concern, direct regulatory actions under established chemical frameworks are generally a more effective and proportionate approach than broad information tracking, as transparency requirements alone do not address the underlying causes of circularity challenges such as material recovery barriers or recycling inefficiencies, but add substantial administrative burden and costs.

To maintain legal certainty and support efficient compliance across global supply chains, the European Commission must enforce one single definition and one common methodology for SoC across all relevant EU legislation. Diverging definitions,

³ Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of substances and mixtures (CLP).

⁴ Persistent Organic Pollutants (POPs), see Regulation (EU) 2019/1021 on POPs.

⁵ Restriction of Hazardous Substances (RoHS) Directive.



different scope interpretations, and overlapping reporting requirements create unnecessary complexity, increase compliance costs, and risk fragmenting the internal market and causing compliance inefficiencies for manufacturers.

Harmonisation shall provide greater regulatory clarity, improve data consistency, and enable more efficient implementation of sustainability and circularity requirements throughout the value chain.

Furthermore, full application of statutory ESPR safeguards is indispensable. Article 7(6)(b)(c) of the ESPR states that the European Commission has a statutory obligation to provide duly justified exemptions based on technical feasibility and the existence of analytical detection methods, ensuring consistency with existing Union law and minimising administrative burdens to prevent parallel reporting regimes. Crucially, downstream manufacturers cannot report chemical data that upstream actors are not legally required to communicate. It needs to be considered that supply chains are complex, and they involve several actors based outside the European Union. The European Commission shall activate Article 38 of the ESPR to enforce mandatory information flows along the complete supply chain before placing reporting duties on final product manufacturers.

2. Substance Inventories Must Be Limited to Information That Is Relevant, Available, and Verifiable

Substance inventories under the ESPR should be pragmatically designed around information that is realistically accessible to economic operators, recognising that information about substances for complex electromechanical products is currently anchored in established regulatory obligations such as REACH Article 33. Attempting to capture all substances throughout the entire product life cycle risks extending reporting requirements far beyond the information reasonably available within the supply chains. This would create significant implementation and enforceability challenges while imposing substantial administrative burdens without delivering proportionate environmental or circularity gains.

The scope of substance inventories must be significantly refined to focus strictly on identified sustainability, reuse, repairability, material recovery, or recycling concerns. For complex home appliances, manufacturers cannot comprehensively track process chemicals or Non-Intentionally Added Substances (NIAS). **ESPR Delegated Acts must therefore clarify that reporting obligations apply strictly to "intentionally added substances of concern for which information is reasonably accessible to the manufacturer of the final product."**

To avoid administrative redundancy, the European Commission should ensure that the "One Substance, One Assessment" principle is fully reflected in the implementation of the ESPR. Where information gaps exist, it should reuse existing data, assessments, and inventories compiled under REACH, RoHS, and the POPs Regulation rather than creating redundant parallel substance tracking and reporting processes.



3. Build on Existing REACH Information Systems and Avoid Disproportionate Substance Reporting Requirements

Substance-related categories serve distinct legal purposes and cannot be treated as a single, uniform trigger for ESPR reporting obligations. ESPR information requirements should follow a practical and risk-based approach. Priority must be given to improving the usability, reliability, and digital exchange of existing SVHC disclosures under REACH Article 33 before considering extensions to further substance categories. Before extending obligations beyond REACH Candidate List communication, the European Commission must establish a clearly defined decision-making use case, verify that data is reliably available throughout supply chains, ensure standard verification methods exist, and guarantee equal enforceability for EU-manufactured products and imports. Article 7(6) of the ESPR provides a clear statutory foundation for justifying and reviewing such implementation at the product-group level.

Regarding specific categories, SoC (a) (REACH Candidate List / SVHC) is acceptable in principle, provided reporting strictly follows the existing REACH Article 33 article-level approach, incorporating the "Once an Article, Always an Article" (O5A) concept. Because REACH Article 33 is inherently structured around individual articles, ESPR Delegated Acts must not introduce reporting obligations for priority components. This would deviate from the established legal framework and supply-chain communication practices and merely cause additional administrative burden.

Conversely, SoC (b) (CLP Hazard Classification) must be entirely rejected for manufactured articles. CLP hazard communication rules were developed primarily for raw chemical substances and mixtures, whereas many hazardous substances undergo physical incorporation, encapsulation, binding, or transformation when integrated into finished products and might not be present in the final article. As a result, hazard classification alone does not necessarily provide meaningful information regarding product sustainability, circularity, reparability, reuse, recyclability, or end-of-life management. Including SoC (b) would capture several thousand classified substances, triggering unmanageable reporting obligations across global supply chains where no analytical test methods or upstream data flows exist. Aligning with the precedent set under the CSRD Omnibus simplification and revised European Sustainability Reporting Standards (ESRS),⁶ article manufacturers whose main activity is the manufacture of non-chemical products should be explicitly excluded from substance-level CLP tracking.⁷

Similarly, SoC (c) (substances regulated under the POPs Regulation) must be rejected since the POPs Regulation already establishes comprehensive restrictions or prohibitions, making it the primary legislative instrument for managing these substances. Requiring additional ESPR reporting for substances that are already prohibited or strictly controlled risks creating irrelevant reporting obligations without delivering a clear benefit for sustainability, circularity, or risk management.

⁶ Corporate Sustainability Reporting Directive (CSRD), [revised European Sustainability Reporting Standards \(ESRS\)](#)

⁷ See ESRS Regulation EU 2026/1563 disclosure requirements E2-5 number 20 in conjunction with the SVHC definition in Table 2 of Annex II.



Manufacturers have long-established processes to ensure compliance with material bans and commit their suppliers accordingly. Therefore, tracking substances that are already prohibited under dedicated legislation provides limited additional value where compliance is already ensured through existing regulatory mechanisms. To avoid unnecessary administrative burden and maintain regulatory coherence, the ESPR should rely on the controls already established under the POPs framework rather than introducing additional reporting requirements.

Category SoC (d) (substances impeding reuse, repair, refurbishment, remanufacturing, recycling, or material recovery) must not remain an open-ended or vague concept. It requires a European Commission- and JRC-led methodology where industrial recyclers demonstrate, using state-of-the-art recycling technology, which specific substances cause actual operational problems during treatment.

Any assessment should consider the practical realities of repair, refurbishment, reuse, material recovery, and recycling operations, recognising that **potential impacts may depend not only on the substance itself but also on the recycling infrastructure, treatment technologies, and operational practices available to different operators and in different Member States.** Where no such impediment can be established, no additional reporting or regulatory requirements should be imposed.

Crucially, due to significant technical differences between appliance categories and end-of-life treatment routes, potential SoC (d) substances must be identified on a product-group-specific basis rather than through horizontal substance lists.

Looking beyond specific product group assessments as indicated in the points above, harmonisation across product groups for standard parts is essential to maintain supply-chain feasibility. Standard parts, such as electric motors or pumps, are used across multiple appliance categories and must not be classified or declared differently depending solely on the final product application. Substance lists must remain short, closed, and stable.

4. Performance Requirements Must Be Linked to Circularity Objectives, Not Chemical Safety Concerns, and Must Avoid Substance Restrictions

ESPR performance requirements must maintain a strict distinction between sustainability objectives and chemical safety considerations, which are already comprehensively addressed under REACH, RoHS, and the POPs Regulation. Substance-related information requirements must not be used to create *de facto* restrictions through performance scoring or sustainability metrics. These sustainability scores could incentivise the phase-out of substances that may provide important technical functions, potentially leading to lower product durability, reduced energy efficiency, shorter product lifespans, or other unintended environmental consequences.



The ESPR methodology must incorporate structured trade-off assessments that explicitly evaluate interactions between different sustainability objectives. A substance that presents challenges in a specific recycling stream may nevertheless be essential for achieving long-term product durability, electrical safety, energy performance, or other sustainability benefits. **Substitution should not be assumed to improve circularity *per se*; any candidate alternatives must be technically qualified, industrially scalable, commercially available, and evaluated across full product life-cycle impacts,** to ensure that overall environmental performance is genuinely improved and not at the expense of other parameters, such as sustainability performance.

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