

ASD input to Call for Evidence



ASD input to the Commission's Call for Evidence on "Simplification of administrative burdens in environmental legislation"

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ASD represents the interests of the European Aerospace, Security and Defence Industries. With 26 major European companies and 23 National Associations members, the overall representation adds up to more than 4,000 companies across 21 European countries. We are actively supporting the competitive development of the sector in Europe and worldwide. Our members collectively employed 1,027,000 people and generated a turnover of €290.4 bn in 2023 – accounting for 93% of the people employed, and 98% of the aerospace and defence industry's turnover in EU Member States.

Introduction & Background - SCIP

According to Articles 9.1(i) and 9.2 of the European Waste Framework Directive (EU) 2018/851, suppliers of products, i.e. manufacturers or importers of products, traders or other actors in the supply chain who place products on the EU market, are obliged since January 2021 to provide all information pursuant to Article 33(1) of REACH Regulation (EC) No 1907/2006 to the European Chemicals Agency (ECHA). The requirement applies to all products that contain "substances of very high concern" (SVHCs) in concentrations of more than 0.1 percent by weight. To implement the information obligation, ECHA set up the SCIP database on the basis of Article 9.1(i) and 9.2. The obligation to provide information and report to the SCIP database applies to any "supplier of an article" within the meaning of REACH Art. 3(33).

ASD has closely followed the development of the EU Waste Framework Directive and the SCIP database due to their significant impact on the Aerospace & Defence value chain processes.

Actual evaluation of SCIP database

Both ASD and broad industry associations have expressed concerns with the introduction of information and reporting requirements via the EU Waste Framework Directive before its entry into force¹.

¹ History of ASD's engagement in advocacy

- ASD and multiple EU articles industries ("[Joint industry position paper](#)" of **Chemical-Articles-Waste cross industry platform**) raised major concerns about the level of details that ECHA require (Oct 2018).
- **ASD, Eurospace & ESA** were **interviewed** by Wood plc on sector specific concerns related to the ECHA database architecture and content. Summary [report](#) was published with all received feedback (July 5th 2019).
- **ASD Eurospace** published a [position paper](#) to MSs to ask for **all products that are sent into space made out of scope** from national WFD transpositions (Sept. 9th 2019).
- Since Oct. 2019 **ASD participated in ECHA's IT user group** providing guidance for the SCIP db design.

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These concerns pertain to the relationship between effort and benefit as well as the suitability of the rule. For example, contrary to the Better Regulation principles, Article 9.1 with its obligation to report products with an SVHC content of >0.1% weight by weight was added to the Waste Framework Directive (WFD) revision in the very last stages of the co-decision process **without any prior stakeholder consultation or impact assessment** despite the far-reaching effects and widespread concern across all sectors. The experiences of recent years have continuously confirmed these fears.

From the ASD's perspective, the following aspects are particularly relevant:

Effort vs. benefit

The concrete **implementation by ECHA via the SCIP database goes far beyond the legal requirements** in Art. 9 WFD and Art. 33 of REACH. While Article 33 only requires the indication of the SVHC substance name in the REACH Candidate List and information on the safe use of the product, the SCIP database requires the provision of a set of **further information** (e.g. "primary article identifier", "article category", "concentration range", "number of units", "TARIC code", etc.)

The extensive reporting obligations to the SCIP database **create substantial bureaucratic effort for companies**. Affected companies must collect additional data not foreseen by REACH Article 33 and report that extensive information on all products containing SVHCs. Especially with complex products (e.g. in the aerospace industry, the electronics or machinery industry), this leads to an **immense burden for data collection along global supply chains**.

Above all, despite the high implementation effort, the **SCIP database does not provide benefits to the environment and does not contribute to the objective of improving recycling** through greater transparency about SVHC pollutants in products (see 9.1(i): "To promote the reduction of the content of hazardous substances in materials and products, "...). A clear example are products "designed to be sent into space", which therefore are never expected to enter a recycling process on earth. Furthermore, this is demonstrated in the report **"First ex-post Evaluation of SCIP" from PwC & ECHA** (May 2022, link: [PwC und ECHA](#)): "Waste Operators were not convinced SCIP is currently fulfilling its objectives related to the decrease and substitution of SVHCs in products and waste" and "Waste Operators declared that their use of the database was limited". Even for waste operators the usefulness of SCIP data has not been proven and was doubted from the early beginning till now both by those who are obliged to provide information and by the waste management industry as the primary users of that information ^{2, 3}.

Specific challenges for Aerospace & Defence

A&D companies both inside and outside the EU were concerned and disoriented regarding their compliance management under Article 9(1)(i) of the revised WFD, as transposed into national laws, and about the corresponding SCIP database established by ECHA. Many EU article suppliers as the duty holders under this piece of legislation, as well as contracted parties, had significant difficulties complying with the new and complex legal duties arising from the revised WFD. It is mainly the very complex and exhaustive laborious data collection and SCIP dossier preparation for A&D products (typically very complex objects), which is to be performed for all affected products supplied on or after 5 January 2021 (subject to

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- **Call for Urgent Action to postpone the Legal Obligations Related to the SCIP Database.** [Letter](#) of 40 industry associations (incl. ASD, representing a significant part of the EU economy) to EU Commission President von der Leyen (21. Sep. 2020) requesting to: **1. Postpone the notification deadline of 5 January 2021 to at least 12 months after the finalization of the database; 2. Ensure that the European Commission conducts a study on usefulness, feasibility, proportionality and impact of the SCIP database, and 3. Instruct ECHA to adapt SCIP according to the outcome of this study.**

² [Position Paper](#) of the German Waste Treatment Operators (BDE / BVSE / BDSV / VDM), September 2020

³ [Technical Paper](#) on the SCIP Database, EuRIC and Plastics Recyclers Europe (PRE), February 2020

national transposition), that make the engagement and effective preparation by duty holders and contracted parties even more difficult.

Typically, our ASD members' products are of high value with high expectations for long product life. Due to the industrial or professional user base and products where many parts have life management plans, many component parts are tracked, supporting a high level of part reuse.

For aircrafts, this leads to a modern, specialized aircraft waste treatment facility which can reach **recycling rates higher than 90%**. Where parts cannot be reused, **specialist dismantling facilities** are in place having access to relevant data on the presence of hazardous materials and technical documents for a safe dismantling and End of Life treatment on a contractual basis, ensuring confidential treatment of classified data (e.g. Defence products/ technologies) and/or CBI data (e.g. Aircraft technical documents/ publications), which cannot be handled in the public accessible SCIP database.

The requirement for SCIP becomes a meaningless obligation when applied to space products - such as satellites, space probes, or launch vehicle components - which are specifically designed to be launched into and remain in outer space. These products are not intended for use, disposal, or recycling within the European Union or anywhere on earth. Once launched, they permanently exit the EU's regulatory jurisdiction and never re-enter the terrestrial waste stream. As such, they do not pose any end-of-life environmental or human exposure risk within the EU that SCIP is designed to mitigate. Forcing compliance with SCIP notification for space products imposes unnecessary administrative burden without yielding any environmental or health benefit, contradicting the directive's principles of proportionality and relevance.

For the treatment of waste resulting from defence equipment, which understandably has particular confidentiality requirements, dismantling and disposal are strictly controlled and facilities require specific certifications and skilled operators. For example, only one company in the EU is certified by NATO for the dismantling and recycling of tanks. Those waste treatment facilities don't use SCIP data but rely on data and technical documents provided by OEMs per product type.

Given the complexity of notifying A&D products to SCIP database in a compliant manner, ASD has **developed an "ASD Sectoral Guidance for WFD/SCIP implementation"** (V1.0 from July 2021, updated version V1.1 from April 2022). This exhaustive guidance document (113 pages), supported by a summary **"ASD SCIP Guide in brief"**, was shared with our global supply chains making them aware on the obligation to provide data as requested under SCIP.

Multiple online training sessions were held for ASD and national trade association members and other relevant actors along the value chains.

Despite those efforts, issues are still present within the supply chain to comply with this burdensome reporting for which added value is not understood.

See Appendix to this document for a summary of identified impact on A&D.

Our request

With the SCIP database, the high level of bureaucratic effort is **disproportionate** compared to its as yet unproven limited benefits. Companies need concrete relief from such bureaucratic burden and **the ECHA's SCIP database should therefore be discontinued**, especially under the current geopolitical situation.

Introduction & Background – ESPR

The Ecodesign for Sustainable Products Regulation (ESPR) aims to set horizontal sustainability requirements across a wide range of intermediate and final products. While ASD supports the EU's objective of reducing environmental impacts, it is critical to highlight the unique characteristics of the aerospace sector:

- Aerospace represents a marginal share of raw material consumption (<0.1% of EU aluminium), with highly specific alloys required for safety.
- Civil aerospace products are already strictly regulated under EASA airworthiness rules, and ESPR requirements would risk creating conflicts or double regulation.
- Aircraft and components have lifespans of several decades; ESPR timelines for redesign/recertification are incompatible with this reality.
- The aerospace supply chain involves hundreds of thousands of parts – applying ESPR Digital Product Passport requirements here would create disproportionate administrative burdens, contrary to the stated aim of simplification.
- We welcome a review of the applicability under the revised Ecodesign Directive for civil aerospace, especially for intermediate products and supply-chain elements to avoid disproportionate burdens, regulatory conflicts with airworthiness certification, and unintended impacts on European competitiveness.

Our request

The aerospace sector should be explicitly exempted from the ESPR—including intermediate products and supply-chain elements—in line with the established exclusion of 'means of transport' under the previous Ecodesign Directive.

This is necessary to avoid disproportionate burdens, regulatory conflicts with airworthiness certification, and unintended impacts on European competitiveness.

Appendix 1 - SCIP: Expected impacts to A&D sector (May 2020)

In 2020, a survey conducted amongst our membership showed extremely worrying impacts on A&D sector for little benefit, given its current track record. Based on the survey results, we estimate **that more than 1 million notifications** will be submitted by the sector to the ECHA SCiP database in 2021.

Notifications per company are expected to span **from below 100 up to 200,000**. Our membership indicated **the expected number of declaration levels according to the SCiP requirements** that their products have. This **varies in average from 2 to 7**, with a **typical value of 4** and a **maximum of 12** (e.g. for super complex objects like aircraft or spacecraft).

Table 1. Summary of ASD membership survey on SCIP impacts (extrapolated to whole A&D sector)

Expected impacts for aerospace sector in 2021	ASD impact evaluation for Europe	Comments
1a) Expected number of notifications to the SCIP database in 2021	>1 million SCIP notifications in 2021. Notifications per company are expected to span from <100 up to 200,000	Notifications will cover all kind of articles like aircraft/ spacecraft, equipment, imported & spare parts, kits.
1b) Expected number of product declaration levels to the SCIP database	varying in average from 2 to 7 , with a typical value of 4 and a maximum of 12	Product declarations span up to 12 level (e.g. for super complex objects like aircraft or spacecraft)
2) Estimated effort (FTE) to notify the mandatory/ required information requirements without IT System-To-System Interfaces	~3900 FTE per year (starting in 2021), overall effort for the sector to perform SCIP notifications (representing about 0,4% of the sector's employees, comparable with the size of typical R&T departments)	A vast majority of respondents estimates that they will need over 3 hours per SCIP notification. However, for very complex objects like aircraft, spacecraft or an entire platform, it could take a week or more.
3) Estimated effort to obtain additional information (on top of REACH Art. 33) for filling mandatory SCiP database elements	~230 FTE per year (starting end 2020)	To date, the two main data fields that are unavailable to industry are the ultimate lowest-level article identity, material/ mixture category and the article category
4) Investment in new IT systems including Maintenance and IT operations	minimum of 30-45 m€ (one-time costs) and operating cost of minimum 3-5 m€ p.a.	Investment in new IT systems and/or update existing material/substance tracking will be needed as manual data entry to SCIP will not be affordable nor practicable for most companies

More detailed information is available in the ASD paper "[Views of the Aerospace and Defence \(A&D\) sector on the EU-wide database on Substances of Concern In Products \(SCIP\)](#)" published in May 2020.