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## **Position of the Automotive Industry in regard to imported pyrotechnic devices and vehicles containing said devices and of registration of substances/preparations under Article 7.1 of REACH and “Guidance on requirements for substances in articles”.**

### **1/ Imported automotive pyrotechnic products**

It is the position of the Automotive Industry that an imported pyrotechnic device is an article and as such there is no registration requirement because there is no intended release of a substance under normal or reasonably foreseeable conditions of use of the imported article as such.

For the purpose of this position paper the term “pyrotechnic device” should be taken to be any vehicle component whose function relies on the ignition of one or more pyrotechnic charges. Examples included but are not limited to the following:

- Airbag
- Seat belt pre-tensioner
- Pyrotechnic actuators
- Gas generators/inflators and pyrotechnic initiators for any of the above mentioned products.

Pyrotechnic mixtures (preparations) are never released from the article neither when importing nor during deployment in a vehicle, thus the device does not have the function of delivering a substance /preparation as its main function.

Non-pyrotechnic substances, such as compressed gases, may be released during normal deployment in a vehicle and may therefore be subject to REACH requirements for substance registration if they are not exempted under Annex V (“substances which result from a chemical reaction occurring upon end use of other substances, preparations or articles and which are not themselves manufactured, imported or placed on the market”). However, even ‘inert’ substances do not remain unchanged during the reaction as they are either physically or chemically involved. They can become cinder or covered with

cinder and should therefore be considered as a reaction product and exempted under Annex V in the same way as the 'active' product. Differing interpretations and execution procedures within the EC/EEA will lead to limitations on the free movement of goods. It is vitally important to the Automotive Industry that the same position i.e. that the pyrotechnic device is an article, is adopted by all Member States to avoid distortion of the market. The REACH Regulation falls under Article 95 of the Treaty and therefore free movement of goods must be assured.

**Using the indicative questions provided in the ECHA guidance document and applying them to a pyrotechnic device:**

**Q 4a.** If the substance/preparation were to be removed or separated from the object and used independently from it or changed from the object to a similar type of object, would the substance/ preparation still be capable in principle (though perhaps without convenience or sophistication) of carrying out the intended purpose of the substance/ preparation?

**A. No.**

**Q 4b.** Does the object act as a container or carrier for release or controlled delivery of the substance/ preparation or its reaction products?

**A. No.**

**Q 4c.** Is the substance / preparation predominantly consumed during the use phase of the object or eliminated or in any other way outside the object at the end of useful life, i.e. before disposal?

**A. No.** See comments in preamble

**Additional questions:**

**Q 5a.** If the substance/ preparation were to be removed or separated from the object or exchanged for a similar type of substance/preparation, would the object be unable to fulfill its intended purpose?

**A. Yes.** The device loses its purpose without the pyrotechnic charge

**Q 5b.** Is the main purpose of the object other than to deliver the substance/preparation or its reaction products?

**A. Yes.** Delivering a substance / preparation is not the main function of the object. The pyrotechnic device contains a charge and provides a shape to regulate its expansion. It is not the purpose to deliver the charge. The purpose is to exert pressure so as to protect the occupant.

**Q 5c.** Is the object normally discarded with the substance/preparation at the end of useful life, i.e. at disposal?

A. **Yes.** If not already deployed. It is then deployed and the reaction substances, which are exempted under Annex V, are released.

**Conclusion: The pyrotechnic device is an article and the guidance document should reflect this. Member States should have a common interpretation.**

## **2/ Imported vehicle that contains pyrotechnic products**

In the case of an imported vehicle, the Automotive Industry considers the vehicle an article albeit a complex one. By using the indicative questions the same conclusion is drawn as for the stand-alone imported pyrotechnic product i.e. the vehicle is an article. The pyrotechnic device is an integral part of the vehicle i.e. an article.

When an airbag is deployed in a vehicle there is no intentional release of pyrotechnic substances from the airbag generator or igniter. When deployed in a crash neither the pyrotechnic substance nor the stabiliser are released, but the reactions products are, and they are exempted from registration requirements according to Annex V.

When the airbag is not deployed there are no pyrotechnic reaction products released.

During disposal only the reactions products are released.

Differing interpretations and execution procedures within the EC/EEA will lead to limitations on the free movement of goods. It is vitally important to the Automotive Industry that the same position i.e. that the vehicle is an article, is adopted by all Member States to avoid distortion of the market. The REACH Regulation falls under Article 95 of the Treaty and therefore free movement of goods must be assured.

The existing guidance on substances in articles refers to a car as an article and it is the Automotive Industry's opinion that this definition should remain the same in the upcoming amendment and that all Member States use the same definition.