



Japanese 4EE industrial associations' (JP4EE) Comments and Proposals on the TRIS Notification for the French Decree on the Provision of Designs for 3D Printing of Spare Parts (Draft)

JEMA (The Japan Electrical Manufacturers' Association)

JEITA (Japan Electronics and Information Technology Industries Association)

CIAJ (Communications and Information Network Association of Japan)

JBMIA (Japan Business Machine and Information System Industries Association)

We, the Japanese electrical and electronic industrial associations – JEMA, JEITA, CIAJ and JBMIA (JP4EE), welcome this opportunity to offer feedback on the TRIS Notification for the French Decree on the Provision of Designs for 3D Printing of Spare Parts (Draft)

We fully support the objectives of promoting product repairability, extending product lifetime, and advancing the transition towards a circular economy.

However, this draft decree raises significant concerns regarding product safety, allocation of liability, protection of intellectual property rights, regulatory compliance, and administrative burden. It may also undermine regulatory harmonisation within the EU Single Market. For these reasons, we call for the revision or withdrawal, as necessary, of the relevant provisions of this decree, in so far as it concerns multifunctional mobile phones, laptops, tablets, electronic display devices, servers and data storage products, imaging and printing equipment, and video game consoles (proposed Article D. 111-4-7, points 9-15).

In this regard, we would like to offer the following comments and proposals.

1. Impact on the EU Single Market

This draft decree imposes specific obligations on manufacturers and importers of products intended for the French market.

Such national requirements introduced by an individual Member State risk undermining regulatory harmonisation within the EU and creating additional burdens for companies operating across Europe.

Rules concerning repair and spare parts should be addressed through a harmonised approach at the EU level rather than through individual national measures. In this regard, we wish to

draw attention to the existing EU harmonised ecodesign measures, such as Commission Regulation (EU) 2023/1670 concerning smartphones and slate tablets, and Commission Regulation (EU) 2019/2021 concerning electronic displays, both of which already establish tailored requirements for the provision of spare parts. Notably, pursuant to Commission Regulation (EU) 2023/1670, the Commission is to review, by 20 September 2027, the option for manufacturers to make available data for the 3D printing of plastic components (Article 8(l)). Furthermore, Directive (EU) 2024/1799 obliges manufacturers to make spare parts and tools available at a reasonable price (Article 5(4)). In addition, the Games Consoles Voluntary Agreement, an established ecodesign self-regulatory initiative, already contains tailored requirements to provide spare parts. We further note that the ecodesign framework, both Directive 2009/125/EC and Regulation (EU) 2024/1781, expressly precludes Member States from setting national performance requirements once ecodesign requirements have been adopted at EU level for a given product group (Directive 2009/125/EC Article 6 (1), (2); Regulation (EU) 2024/1781 Article 3(2), (4)). We believe that, to the extent that the proposed national measure relates to ecodesign requirements, EU legislation has already regulated this subject matter in an exhaustively harmonised manner, and hence the proposed measure should be rejected.

In any event, even in the absence of EU harmonised rules in the given field, we would recall that any national measure capable of hindering, whether directly or indirectly, actually or potentially, intra-EU trade constitutes a measure having equivalent effect to a quantitative restriction prohibited under the principle of the free movement of goods. In our view, the proposed measure of forcing manufacturers to supply 3D-printing manufacturing plans may amount to such a measure. Any obstacle to the free movement of goods must be duly justified and proportionate to the legitimate objective pursued.

2. Technical Limitations of 3D Printing

For many electrical and electronic products, 3D printing is not a suitable method for manufacturing spare parts.

Spare parts must meet requirements relating to mechanical strength, dimensional accuracy, durability, electrical performance, insulation characteristics, and long-term reliability. However, design data alone is insufficient to reproduce these characteristics.

Achieving equivalent performance also requires manufacturing know-how, including material specifications, production conditions, quality control procedures, and testing methods. Such information cannot be adequately represented solely through design data.

Furthermore, according to the findings of a study conducted by the French Agency for Ecological Transition (ADEME) and published by the French government in April 2024¹, 3D printing tends

¹ <https://librairie.ademe.fr/economie-circulaire-et-dechets/7178-impression-3d-et-reparation.html>

to have a greater environmental impact than conventional manufacturing processes. The environmental benefits of 3D printing therefore remain uncertain at present.

Therefore, disclosure of design data does not necessarily enable the production of spare parts that achieve the same level of performance and quality as original components or deliver environmental benefits.

3. Product Safety and Allocation of Liability

Manufacturers have no control over manufacturing processes carried out by third parties and cannot verify whether the resulting parts comply with applicable safety requirements and legal obligations.

Furthermore, the draft decree does not clearly define liability in cases where failures, accidents, or damages arise from 3D-printed spare parts.

Liability should rest with the economic operator that manufactures and supplies the finished 3D-printed spare part. Original manufacturers should not be held responsible for problems caused by parts that have been manufactured, modified, distributed, or installed by third parties.

In addition, manufacturers are unable to verify the materials used by third parties and therefore cannot guarantee compliance with product regulations and safety requirements.

4. Protection of Intellectual Property Rights and Confidential Information

Design data and technical specifications often contain important confidential information, including intellectual property, trade secrets, and manufacturing know-how.

Once such information has been disclosed to third parties, it becomes extremely difficult to prevent copying, modification, redistribution, reverse engineering, or other forms of unauthorised use.

The draft decree does not provide sufficient safeguards for the protection of confidential information after disclosure.

Additional measures are therefore necessary to ensure adequate protection of confidential information and intellectual property rights. In addition, with regard to compliance with intellectual property rights, Articles L.513-1 to L.513-8 are referenced in the draft Decree. However, these provisions address only design rights. Therefore, they cannot be considered sufficient to adequately protect the intellectual property rights associated with manufacturers' original products. Furthermore, even if additional provisions concerning the protection of intellectual property rights were introduced, it would not eliminate the risk that design data and technical information could fall into the hands of unauthorised manufacturers. As a result of the leakage of the information, the risks of counterfeit products entering the market, brand dilution and infringements of intellectual property rights including patents and design rights cannot be ruled out.

5. Compliance with Environmental and Chemical Regulations

Manufacturers cannot verify the materials or production conditions used by third parties for 3D printing.

As a result, it becomes difficult to ensure compliance with chemical legislation, environmental regulations, and product-related regulatory requirements.

Differences in materials and manufacturing processes may also affect product performance, durability, recyclability, and emissions characteristics, including volatile organic compounds (VOCs).

Accordingly, where products are repaired using third-party 3D-printed parts, original manufacturers cannot guarantee the environmental performance or regulatory compliance of the product as originally placed on the market.

6. Administrative Burden

The deadlines established under the draft decree for providing design data and technical information do not sufficiently take practical business realities into account.

Manufacturers cannot predict which spare parts may be requested in the future, and it is not realistic to prepare and maintain 3D-printing documentation for all spare parts.

In addition, locating, reviewing, and assessing technical information requires substantial resources and specialised expertise.

Moreover, the draft does not stipulate any explicit period during which manufacturers are to bear the obligation to provide manufacturing plans, and may therefore be read as requiring manufacturers to remain prepared to provide such plans indefinitely. If this is intended, the requirement would impose a disproportionate burden on manufacturers.

Consequently, while the benefits of the draft decree for consumers and the environment remain unclear, it would impose a disproportionate administrative and operational burden on manufacturers.

Conclusion

We, the Japanese electrical and electronic industrial associations – JEMA, JEITA, CIAJ and JBMIA (JP4EE) , support efforts to facilitate repair, extend product lifetimes, and promote the circular economy.

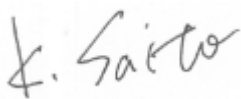
However, the draft decree presents the following significant concerns:

- Fragmentation of the EU Single Market
- Technical limitations of 3D printing
- Uncertainty regarding product safety and liability
- Concerns regarding the protection of intellectual property rights and confidential information
- Concerns regarding compliance with environmental and chemical regulations

- Excessive administrative burden

For these reasons, we call for the revision or withdrawal, as necessary, of the relevant provisions of this decree, in so far as it concerns multifunctional mobile phones, laptops, tablets, electronic display devices, servers and data storage products, imaging and printing equipment, and video game consoles (proposed Article D. 111-4-7, points 9-15). We also encourage further dialogue with industry stakeholders to explore alternative approaches that can promote repair while maintaining product safety, legal certainty, innovation, and competitiveness.

Sincerely yours,



Kiyoshi SAITO

Secretary, "Ecodesign WG" operated by the Japanese electrical and electronic industrial associations – JEMA, JEITA, CIAJ and JBMIA (JP4EE)

Director & General Manager, Environmental Department

The Japan Electrical Manufacturers' Association (JEMA)

17-4, Ichiban-cho, Chiyoda-ku, Tokyo 102-0082, Japan

Phone: +81-3-3556-5883

E-mail: kiyoshi_saito@jema-net.or.jp

E-mail: mariko_kambara@jema-net.or.jp

Secretariat of Ecodesign WG in JP 4EE

ABOUT JP4EE

JEMA(The Japan Electrical Manufacturers' Association)

The Japan Electrical Manufacturers' Association (JEMA) consists of major Japanese companies in the electrical industry including: power & industrial systems, home appliances and related industries. JEMA will contribute to sustainable global development through improvement and enhancement of social and living infrastructures by strengthening international competitiveness of Japanese electrical machinery equipment industry.

<https://www.jema-net.or.jp/>

<http://www.jema-net.or.jp/English/>

EU Transparency Register: [871347495386-10](https://ec.europa.eu/transparency/regexp1/index.cfm?do=groupDetail.groupDetail&id=871347495386-10)

JEITA

JEITA aims to create digital technologies, improve the business environment, enhance industrial competitiveness, and, of course, to realize Society 5.0. To that end, we urgently need

to accelerate society's digital transformation (DX). JEITA will work closely with member companies, the government, and related organizations to solve social issues and energize the Japanese economy, contributing to the society and lifestyles of the future.

<https://www.jeita.or.jp/japanese/>

<https://www.jeita.or.jp/english/>

JBmia (Japan Business Machine and Information System Industries Association)

Japan Business Machine and Information System Industries Association (JBmia) is the industry organization which aims to contribute the development of the Japanese economy and the improvement of the office environment through the comprehensive development of the Japanese business machine and information system industries and rationalization thereof.

<https://www.jbmia.or.jp/index.php>

<https://www.jbmia.or.jp/english/index.php>

CIAJ(Communications and Information Network Association of Japan)

Mission of Communications and Information network Association of Japan (CIAJ). With the cooperation of member companies, CIAJ is committed to the healthy development of info-communication network industries through the promotion of info-communication technologies (ICT), and contributes to the realization of more enriched lives in Japan as well as the global community by supporting widespread and advanced uses of information in socio-economic and cultural activities.

<https://www.ciaj.or.jp/>

<https://www.ciaj.or.jp/en/>