Summary of the 27.03.2018 Meeting of the Commission expert group accompanying future substance reviews under Directive 2011/65/EU (Restriction of certain Hazardous Substances in electrical and electronic equipment; Recast Directive (RoHS 2)

Note: Where the planned schedule is addressed in the following summary, slight updates have been undertaken in two instances. First of all, where the schedule is mentioned, some revision has been made so that the information represents the current plan of the study (i.e. where changes have been made since 27.3.2018). Such changes have also been undertaken in the attached presentation. Furthermore, lists of documents and sources to be consulted with have been added here, per request of stakeholder at the meeting.

The consultants presented a presentation attached for convenience. General details were provided as to the tasks to be performed, the planned schedule of the project and stages at which stakeholders shall be consulted with (stakeholder consultations, stakeholder meetings). Additionally the approach for performing the first part of the study, related to substance restriction, was presented and discussed in detail.

Task 1: Substance methodology update

An update of the methodology for identifying, prioritizing and assessing substances in relation to possible future restrictions shall be performed. For the purpose of the update, the methodology manual initially devised by the Austrian Umweltbundesamt shall be used as a first basis. In relation to the general approach, an update is foreseen in relation to various legislation and policy frameworks that have been updated or initiated since the initial manual was prepared. This shall include among others:

- European and international legislation:
  - The REACH Regulation (in particular Annex XIV and Annex XVII);
  - The CLP regulation (classifications);
  - The POPs Regulation, (EC) No 850/2004;
  - The Stockholm Convention on Persistent Organic Pollutants (the "POPs Convention");
  - The Basel Convention;
  - The UNECE Convention on Long-range Transboundary Air Pollution (CLRTAP)
  - The Montreal Protocol and Regulation (EC) No 1005/2009
  - The F-gas Regulation (EC) No 842/2006;
- Policy areas, documents and studies of relevance
  - Reach and Directive 2011/65/EU (RoHS) - A Common Understanding[1];
  - The Community Rolling Action Plan (CoRAP)[2]
  - Study for the strategy for a non-toxic environment of the 7th Environment Action Programme[3]
  - The Circular Economy communication and related studies;
  - The study “Development of an evidence-based approach as support to regulators when assessing how to manage the presence of substances of concern in recycled materials”.[4]

[1] See: http://ec.europa.eu/DocsRoom/documents/5804/attachments/1/translations

[2] See: https://echa.europa.eu/de/information-on-chemicals/evaluation/community-rolling-action-plan/corap-list-of-substances

[3] See: http://ec.europa.eu/environment/chemicals/non-toxic/pdf/NTE%20main%20report%20final.pdf

– Analysis of the interface between chemicals, products and waste legislation and identification of policy options[5].

Furthermore, an update of the sources currently detailed in the manual for performing the various sub-tasks shall also be undertaken. The AUBA basis methodology refers to various sources for this purpose and can be viewed by stakeholders for further detail[6].

The study plan intends to post a first version of the revised manual for stakeholder consultation during May (duration assumed ~ 8 weeks). Based on possible revision to follow, a first draft shall be delivered to the Commission and in parallel shall be used as a basis for the methodology to be applied in tasks 2 and 3. Thus, following the finalisation of tasks 2 and 3, a final revision could be performed should shortcomings or additional aspects of relevance be identified through the application of the methodology. In this sense, a final version of the manual is only expected to be published at later stages, after completion of tasks 2 and 3.

Some of the suggestions made for the study included:

- To take into consideration the previous work of the Substance Working Group (SWG). Prior activities of the Substance Working Group were mentioned and it was discussed how these could be taken into consideration in the tasks at hand. The Substance Working Group meetings took place between 2013-2016. A number of sub-groups were nominated during this period and documents discussing the various opinions of the group members in relation to thematic areas of relevance to substance review and restriction were prepared on: Dealing with data quality and data gaps; Substitution; Member State submissions; Grouping of substitutes, Aspects related to restrictions, Article 5 and Article 6.
- To look at substances of relevance for restrictions that prevent regrettable substitution;

Task 2: Assessment of 7 substances

Seven substances have been pre-defined in the technical specifications of the study and shall be reviewed under Task 2. The review shall be based on the RoHS dossier template developed by the Austrian Umweltbundesamt in 2014[7], though some adaptations may be made through the methodology revision to take place under task 1. At these initial stages, the study team has already started to collect general information as to substance identification, classification, regulation, applications and volumes of use, health and environmental risk profiles. Relevant information is currently being collected from publicly available documents such as the various documents generated through the REACH processes (identification of substances as SVHC, Authorisation and Restriction processes) as well as additional sources such as the SPIN data base, the USEPA data base, prior RoHS studies etc.

A first stakeholder consultation is planned to begin in April with the aim of collecting additional information from the relevant EEE stakeholders. Initial information shall be compiled for this purpose for each of the seven substances as well as an initial set of guiding questions identifying areas where additional information and data is sought. In summer 2018 a further stakeholder consultation is planned in which the initial dossier versions shall be posted for comments and collection of missing data. Fol-

[4] TOR can be viewed here: https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2913

[5] See: http://ec.europa.eu/smart-regulation/roadmaps/docs/plan_2016_116_cpw_en.pdf

[6] Austrian Umweltbundesamt Manual can be viewed here: http://www.umweltbundesamt.at/fileadmin/site/umweltthemen/abfall/ROHS/finalresults/Annex1_Manual.pdf

[7] Austrian Umweltbundesamt RoHS dossier Template can be viewed here: http://www.umweltbundesamt.at/fileadmin/site/umweltthemen/abfall/ROHS/finalresults/Annex2_RoHS_AnnexII_Dossier_Template.docx

lowing a revision of the dossiers, a stakeholder meeting is planned for autumn 2018 to present the final versions, including recommendations and to allow a last stage of stakeholder feedback before finalisation and submission of the dossiers to the European Commission.

Some of the suggestions made for the study included:

- In relation to the link with the circular economy, the methodology developed for substances released from plastics should be taken into consideration.

Task 3: Substance inventory

On the basis of the initial substance inventory developed in task 1, substances in the scope of the highest priorities shall be investigated with the purpose of collecting additional detail on applications and volumes of use in EEE. On the basis of this exercise a further internal ranking of the substances to be investigated may be recommended.

After collection of initial information, a first compilation shall be published for stakeholder consultation in order to collect further information and data. The consultation is planned for autumn 2018 with finalisation of the task expected towards the beginning of 2019.

Some of the comments made for the study included:

It was pointed out that some of the current sources listed in the manual may have various limitations and should be used with caution. The study team is aware of the various lists and sources and how they can be used. The various sources shall feed into the process, but are also a basis that shall be reviewed and not necessarily taken over as is.

Additional aspects

The Oeko-Institut RoHS Website shall be used for the various stakeholder consultations and for publication of various documents and information of relevance to the project progress. Registered stakeholders shall receive notification as to publication of new information, launch of consultation and publication of consultation contributions. Stakeholders which are already registered do not need to re-register. The website is publicly available and all stakeholders can register and participate through contributing to the various consultations.

As can be understood from the project schedule and from the above sections, some of the consultations shall collect input on multiple tasks in parallel. In such cases a single consultation shall be launched, however various tasks shall be addressed through task specific pages to allow a better overview of the various tasks and areas for which information is requested.

The tasks are to be understood as stages of the investigation of substances and have a certain relation to each other. In the preparation of the inventory (to be performed as part of task 1), the starting point is a broad list of substances used in EEE, which is then selected from based on various criteria. In the next stage, based on the comparative hazard, volumes of use, etc., the list is to be prioritized. Following this initial selection, in Task 3, the substances in the highest priority groups shall be looked into in more detail to get a better idea of the volumes of use in EEE and the applications in which the substance/s are present. On this basis a further inner prioritisation or ranking may be possible. This list shall than be recommended by the consultant as the prioritized list of substances for deciding on substances to be assessed in depth in the future. Though the list is a basis to consider what substances to assess in the future, the study team understands it to only be a basis, depending on various develop-

ments and considerations, the Commission may decide to assess some of these substances, but perhaps not according to the recommended ranking, or it could become relevant to investigate substances not prioritized on the list. In this sense, the prioritized list to be developed in task 3 shall be available for the Commission and for MS for deciding on the substances to be assessed in future reviews, however it is understood only to be a basis for decision and not a final plan for action.

Additional comments raised by participants:

In light of the need of industry for planning certainty, it was suggested to give indication of the frequency at which substance assessments could be carried out in the future or to a possible timeline of future assessments.