

Stakeholder consultation concerning a “Study for the review of the list of restricted substances under RoHS 2 – Analysis of impacts from a possible restriction of several new substances under RoHS 2“

1 Introduction

Directive 2002/95/EC¹ (RoHS 1) on the restriction of the use of certain hazardous substances in electrical and electronic equipment (EEE) regulates the use of a number of hazardous substances in electrical and electronic equipment. The Commission launched the recast of RoHS in 2008. RoHS 2 (Directive 2011/65/EC) was adopted in June 2011 and had to be transposed by the Member States by 2 January 2013 at the latest. Annex II of the Directive lists the substances which are restricted for use in EEE, as well as the maximum concentration value tolerated by weight in homogeneous materials. At present (February 2014) the list specifies six substances: lead, mercury, cadmium, hexavalent Chromium polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE).

RoHS 2 sets the rules for amending the list of restricted substances in Article 6(1). A review and amendment of Annex II is to be considered by the Commission before 22 July 2014, and periodically thereafter.

In preparation of the 2014 review, a first study was launched by the Austrian Umweltbundesamt GmbH² in 2012 and is expected to be concluded shortly.

The preliminary outcome of this study is a draft methodology for the identification, prioritisation (pre-assessment) and assessment of potentially relevant chemical substances in EEE. The consultants also applied this methodology and produced an inventory of substances, a 23 entry priority substance list, and detailed dossiers for the 4 substances prioritised already in RoHS 2 Recital 10. These substances are HBCDD (brominated flame retardant), DEHP, BBP and DBP (3 phthalate plasticisers), which also scored the highest ranking (together with 7 other substances) in the consultants' pre-assessment.

The study also shows that in some cases a selective ban of a substance from a larger substance group might drive industry towards the use of a problematic alternative from the very same group (e.g. substituting one brominated flame retardant for another). This is why the phthalate DIBP, which ranks highest according to the consultants' findings and is a

¹ OJ L 37, 13.2.2003.

² For more information please use this [link](#).

standard substitute for DEHP, has also been identified for performing an assessment at present.

With a view to a legislative proposal in 2014 and in order to standardise and facilitate future reviews, the Commission has appointed the Oeko Institut³ to prepare perform the following tasks:

- Prepare a substance assessment of DIBP, based on the Assessment Dossier template proposed by the Austrian Umweltbundesamt GmbH;
- Compile and review quantitative information concerning the various substances on the prioritised shortlist;

For more information on these areas, please refer to the specific questionnaires that can be found in the Consultation section (<http://rohs.exemptions.oeko.info/typo3/backend.php>) under “DIBP”: <http://rohs.exemptions.oeko.info/index.php?id=212> and under “Substance prioritisation”: <http://rohs.exemptions.oeko.info/index.php?id=213>.

Please note that the role of Oeko-Institut is only to collect and evaluate the information provided by stakeholders with a goal to provide the Commission with a recommendation regarding the mentioned topics. Any decision making, however, is the sole responsibility of EU institutions.

Neither the fact that a stakeholder consultation is being launched, nor the results of this stakeholder consultation should be interpreted as a political or legal signal that the Commission intends to take a given action.

2 Consultation scope

The scope of the consultation concerns the two main areas for review.

Table 1 Areas that will be reviewed during this project

No.	Area of review
1	Substance Assessment of DIBP;
2	Compile and review quantitative information concerning the various substances on the prioritised shortlist;

³ Contract is implemented through Framework Contract No. ENV.C.2/FRA/2011/0020 led by Eunomia

3 How to submit a stakeholder contribution

The following general guidelines should be taken into account:

- Refer to the area of review listed in [Table 1](#).
- Take the **questionnaire** on the area of review into account (see the specific sections under: “DIBP”: <http://rohs.exemptions.oeko.info/index.php?id=212> and “Substance prioritisation”: <http://rohs.exemptions.oeko.info/index.php?id=213>).
- Provide information in response to the various questions as well as other information that you consider of importance to this process. To support your comments, please **provide relevant technical and scientific evidence**. Where relevant, please provide quantitative data, figures or diagrams to illustrate your views. Provision of third party data and information may be beneficial to further support your view. **Sources of information** should be referenced where possible.
- Provide your input to the consultation as early as possible in order to allow other stakeholders to comment.
- As this process is a public one, the use of confidential information to support a certain view is limited. You may submit confidential information, however please bear in mind that should information marked as confidential be found to be essential for supporting a certain point, you shall be requested to reformulate it so that it can be made public. In such cases you shall need to give explicit agreement to the Commission and the project team to disclose the relevant information on their website.
- Nevertheless, comments shall be clearly marked “**NOT FOR PUBLICATION**” if they are not to be posted as comments on the consultation website. Please also refrain from submitting confidential and non-confidential information mixed in one document!
- Please refrain from submitting several identical comments in order to support a position / comment. It is more useful and efficient to include a cover letter stating that a submission is supported by several parties.
- Submit **compact and comprehensive information** instead of very large and extensive documentation. It will facilitate formulating the need for further information.
- Always include **your contact details** (or of the person responsible for further contact with name, organisation, email and phone number). The evaluation of submitted information will normally lead to further questions which we need to address to you directly.
- If you submit documents in **PDF-formats**, please make sure that text can be marked and copied selectively from these documents in order to avoid retyping (which is a possible source of mistakes) when summarising your arguments for the review report.

Interested parties are invited to send their comments by e-mail, at the latest on **04 April 2014**, to rohs.exemptions@oeko.de or by post to:

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Responses submitted electronically will be posted on this web site as they are received, unless respondents specifically request that their contribution should not be published. In the latter case, responses should be clearly and visibly marked with the words **"Not for publication"**.