

Annex: Specific study request – 'Specific terms of reference'
(under Framework contract ENV.C.2/FRA/2011/0020)

"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. Context/General Information

The Commission is launching this contract for the analysis of impacts from a possible restriction of several new substances in the context of the mandatory 2014 review of the list of restricted substances in Directive 2011/65/EU (RoHS 2)¹ Annex II.

Directive 2002/95/EC² on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS 1) restricts the use of certain hazardous substances in electrical and electronic equipment. The Commission launched the recast of RoHS in 2008. RoHS 2 was adopted in June 2011 and had to be transposed by the Member States by 2 January 2013 at the latest.

RoHS 2 sets the rules for amending the list of restricted substances in Article 6(1). A review and amendment of Annex II shall be considered by the Commission before 22 July 2014, and periodically thereafter. In preparation of the 2014 review, a first study with Austrian Umweltbundesamt GmbH was launched still in 2012. 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 21 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. This is why the phthalate **DIBP, which ranks highest according to the consultants' findings and is a standard substitute for DEHP, should also be assessed now.** At a later point, it will also be necessary to deepen and refine the 4 available dossiers on more time in cooperation with stakeholders. One minor flaw of the study was that, due to a lack of high-quality industry input, **questions about the actual amount of some priority substances to be found in EEE remain unanswered.**

With a view to a legislative proposal in 2014 and in order to standardise and facilitate future reviews, the Commission is launching this follow-up contract.

2. Subject of the study

- (1) The Commission needs a detailed assessment of the impacts of a possible restriction of diisobutyl phthalate (DIBP) in EEE, in line with the methodology and the 4 substance dossiers developed in above mentioned study.

¹ OJ L 174, 1.7.2011.

² OJ L 37, 13.2.2003.

- (2) The Commission needs quantitative usage data for the 21 priority substances in EEE, or where this is not possible, a magnitude ranking, with a view to a refined prioritisation for future review cycles.
- (3) Stakeholder consultation shall be organised in order to fulfil the first two objectives (as described in detail below).

3. Tasks to be performed

Task 1: Assessment of DIBP

The assessment shall be based on the recently developed methodology, and result in a dossier similar to the available dossiers for HBCDD, DEHP, BBP and DBP. Key data to be collected and analysed refer to substance classifications, usage, emissions, and costs. This list is not exhaustive.

The study shall also look into possible timelines and scenarios for a restriction, i.e. try to identify sectors and products where this substance is most relevant, and suggest a realistic compliance date.

Task 2: Quantification of the use of 21 priority substances in EEE

The consultants shall try to quantify the usage of the 21 previously identified priority substances in EEE, or where this is not possible, produce a magnitude ranking, with a view to a refined prioritisation for future review cycles.

Task 3: Stakeholder Consultation

Tasks 1 and 2 shall be completed in close cooperation with stakeholders. The stakeholder consultation shall be conducted following the minimum standards for consultation of interested parties set in the Commission Communication COM(2002) 704 final of 11.12.2002. The consultation has to include the mandatory elements, i.e. use of standard template, data protection, announcement on Your Voice in Europe (YVIE) for public consultations linking to the consultation on the DG ENV consultation page, publication of answers/results/report on the web. Before the end of the contract, the contractor shall deliver the results of the consultation in pdf format for publishing on the Europa website.

Stakeholder consultation should be an iterative process. At the beginning of the project, the contractor shall set up a website and keep it updated with regular reports indicating the progress of work. The contractor shall host the website. The non-confidential contributions of the stakeholders shall be posted on the CIRCA website.

A half day workshop, or if required and in consultation with the Commission, several smaller stakeholder meetings should be organised towards the end of the contract to inform the stakeholders and the Commission of the results, and in order to gather comments of the stakeholders on these results. The workshop shall take place in Brussels. The meeting room will be booked by the Commission. The number of stakeholders to be invited will be limited to about 50 participants to be selected by the Commission in collaboration with the consultant. The contractor shall: a) prepare the draft agenda for the workshop; b) prepare the presentation of the results of his analysis and be ready to respond to all technical questions; c) prepare the

minutes and a short report with the conclusions from the workshop. The results of the workshop should be reflected in the final report.

Frequent contact with the Commission will take place during the elaboration of the study in order to provide for a smooth and effective exchange as necessary.

The contractor does not have the authority to publish the deliverables without prior authorisation from the Commission. All matters related to this study should be treated with confidentiality.

4. Estimated expertise requirement

Expert workload corresponding to maximum [REDACTED] (including possible travel and subsistence costs).

5. Estimated timetable:

➤ **Kick-off meeting:**

Within 2 weeks of the specific contract signature, the contractor shall participate in a kick-off meeting with the Commission to discuss the details of the study, in particular the criteria and requirements that need to be assessed. This meeting will be held in the Commission's offices in Brussels unless both parties agree to a telephone conference.

➤ **Reports:**

- Interim report: Shall be submitted to the Commission before the end of the second month following the signature of the specific contract.
- Final Report: Shall be submitted to the Commission by the end of the duration of this specific contract.

➤ **Duration: 5 months**

➤ **Budget:** [REDACTED]