



Ms. Rita Groß
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Brussels, 28 March 2008

GS 08-35

Dear Ms Groß,

Please find below some comments from CECED on the questionnaire of 46 substances used in EEE within the scope of the “Study on Hazardous Substances in Electrical and Electronic Equipment (EEE), not Regulated by the RoHS Directive” as communicated in the email of 28 February 2008.

CECED very much welcomes the opportunity to provide input to the consultation process related to the Revision of the RoHS Directive. We hope that this contribution will help steer future discussions in a constructive and practical manner.

As we have already stated in our position of 13 February on DG Environment’s policy options for the review of the RoHS Directive, REACH is the appropriate tool for any further restrictions of chemicals in products as it will create an EU harmonised system of chemicals management and the assessment of substances will be based on clear and sound criteria. In any case, any restriction of chemicals needs to be based on sound assessment of:

- risk to environment and health in a risk-based approach and including life-cycle thinking;
- availability of investigated substitutes;
- costs and benefits;
- business impact.

Given the nature of RoHS as restricting chemical substances in EEE, we are concerned about the criteria for identifying the questionnaire of 46 substances currently to be discussed. It contains inconsistent examples of chemical substances, complete materials (PVC), and even substances already regulated under other EU legislation (Nonylphenol, PFOS, PCBs, PCT).

Furthermore we would like to stress that the final outcome of the Öko-Institut study should not ignore findings that have already been concluded from existing EU risk assessments, such as TBBPA. In case of any shortcomings in existing risk assessments, additional criteria could be addresses in these risk assessments.

As a final point, we would like to highlight some concerns about the general context in terms of timing and response.

Firstly, we feel that four weeks for such a consultation which has to pass through the complete supply chain is far too short to provide comprehensive results. However we are trying to do our utmost to provide as sound information as possible. In addition we would like to remind you that even under the EU's own Better Regulation principles, any stakeholder consultation should take at least six weeks.

Secondly, we have heard that DG Environment wishes to quickly push through a first working draft of the revised Directive for interservice consultations and we therefore doubt to which extent the results of this stakeholder consultation on hazardous substances will be taken into account.

For your information, please find attached a table containing technical comments on the 46 substances prepared by member groups of Cefic, ECVM and PlasticsEurope, representing materials producers. The list deals with the broadest context of application of the concerned substances and therefore may represent a reliable reference to EEE manufacturing industry.

Yours sincerely,



Luigi Meli
Director General

Cc:

Klaus Kogler, DG Environment, Head of Unit, Sustainable Production & Consumption

Michail Papadoyannakis, DG Environment, RoHS Desk Officer

Madalina Caprusu, DG Environment, RoHS Desk Officer

Didier Herbert, DG Enterprise, Head of Unit, Sustainable Industrial Policy

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