Öko-Institut e.V. - Institute for Applied Ecology
Attention: Rita Gross
P.O. Box 500240
79028 Freiburg
Germany

Brussels, 15 February 2008

RE: Study on Hazardous Substances in Electrical and Electronic Equipment, not Regulated by the RoHS Directive (2002/95/EC)

Dear Ms. Gross,

AeA Europe and EICTA welcome the opportunity to respond to the consultation by the Öko-Institut on the request of information as part of the Review of the Reduction of Hazardous Substances Directive (2002/95/EC) on Hazardous Substances in Electrical and Electronic Equipment, not regulated by the RoHS Directive, at present. We thank you once again for your presentations and discussions in meeting with AeA Europe in late November to provide additional background about the project and its objectives.

AeA Europe and EICTA aimed to respond to the questionnaire to the best of our abilities. However, we were unable to complete this questionnaire, due to the diversity of our members and to the nature of the procedures used in the entire supply chain to ensure compliance with the Directive.

The electronics industry has invested significant time and resources to ensure compliance with the RoHS Directive. One of the key issues for the industry has been the collection of supply chain data for the substances currently restricted by RoHS which proved to be a major undertaking. Substance restrictions and the full technical, social, and cost implications of the RoHS Directive's implementation are still being discovered. Clear scientific evidence should be sought on the potential risks of substances in the waste phase. Additionally, sufficient timeframes are necessary for industry to develop and seek the possibility of using alternatives. Due consideration should also be noted on the availability, adequacy and functionality of substitutes in the marketplace.

During the legislative process on the REACH (Registration, Evaluation and Authorization of Chemicals – 2006/121/EC) Regulation a key rationale for the Regulation and inclusion of articles and notification requirements was to obviate the need for sector-specific legislation. **We believe any additional substance restrictions may be considered only after a sound risk assessment has been carried out according to the requirements of the REACH Regulation.** This would help avoid unnecessary confusion and regulatory overlaps.

Before introducing new substances, we believe that the priority is to improve the current systems used to manage and enforce hazardous material regulations.

In order to develop an inventory, the Öko-Institut requested information from manufacturers and suppliers of electrical and electronic components to specify the hazardous substances that are contained in typical components / subgroups of EEE, and to quantify their concentration.

Currently, there is no global list of declarable substances and/or a material data base for composition of electrical and electronic equipment. This list does not exist due to the wide variation of the electronics business, in a global market.

The vast majority of companies in our industry apply the negative declaration approach, which is in line with compliance requirements. Therefore, only those substances are checked (in addition to a few voluntary others – typically company specific) which have a restriction or need to be reported. This is reflected in the Joint Industry Guide (JIG): Material Composition Declaration for Electronic Products, JIG-101 A (2007) for a defined set of substances.
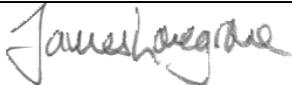
The intended revision (JIG 2), scheduled for 2009, will cover REACH substances (considering article 33). Considerable ongoing efforts within IEC TC111 WG1 are going into developing a standard for material declarations. Currently, material declarations of EEE are a very limited activity and databases are yet to be defined by the IEC. Much material declaration activity is completed within the B2B sector to seek assurances within the supply chain, but even this is not entirely a reliable, useful process. Many companies currently manage these processes manually, although they would like to move towards using electronic formats. Should substance information be available today (mostly with the key component manufacturers), it should be noted that there is a major gap for transferring this data in a standardised and globally-agreed format. Today's complex products are dependant on a lengthy supply chain where the flow of material data is very limited due to non-existent requirements and a lack of standards. The latter will likely be addressed by the upcoming material declaration standard IEC 62474. In the *Annex* to this letter, we have attempted to visually showcase the supply chain, our members' experience.

We would like to express our concern at the study's possible use of companies' internal and/or black lists. Companies often extend their common list of hazardous substances/restricted materials (many are based on the JIG) to address their customer concerns and requirements. This is driven by a number of business factors and does not form a common basis for the related industry.

In conclusion, most participants in the supply chain, including the finished product manufacturers, do not have the tools and databases necessary to be able to respond to the questionnaire which you circulated.

Although we regret this fact, we wish to reiterate our intention to cooperate with the Öko-Institut to the best of our capacity. We are open to having further discussions on the means by which reliable data could be collected.

Yours sincerely,

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EICTA - Senior Manager Environmental Policy	**Managing Director**
	AeA Europe

Cc:
Michaïl Papadoyannakis and Madalina Caprusu - European Commission, DG Environment G4

cc
Thorsten Brunzema
Policy officer industrial emissions and air quality
European Commission – Directorate General Enterprise and Industry
Unit B1 - Sustainable Industrial Policy
DG Enterprise

ANNEX I

Supply Chain Scheme: *Company 1* (Co 1) assembles their products from the next tier of participants in the supply chain (modules *M1-Mn*). These participants are dependant on the next tier participants in the supply chain (sub modules *m11-mnn*). This chain continues deeper with many levels (components *C1xy-Cnxy*). In this bottom level of the supply chain material content data is very often available but not communicated up the supply chain to final assembly. Such communication is considered in IEC's Workgroup 1 of TC111 on material declaration.
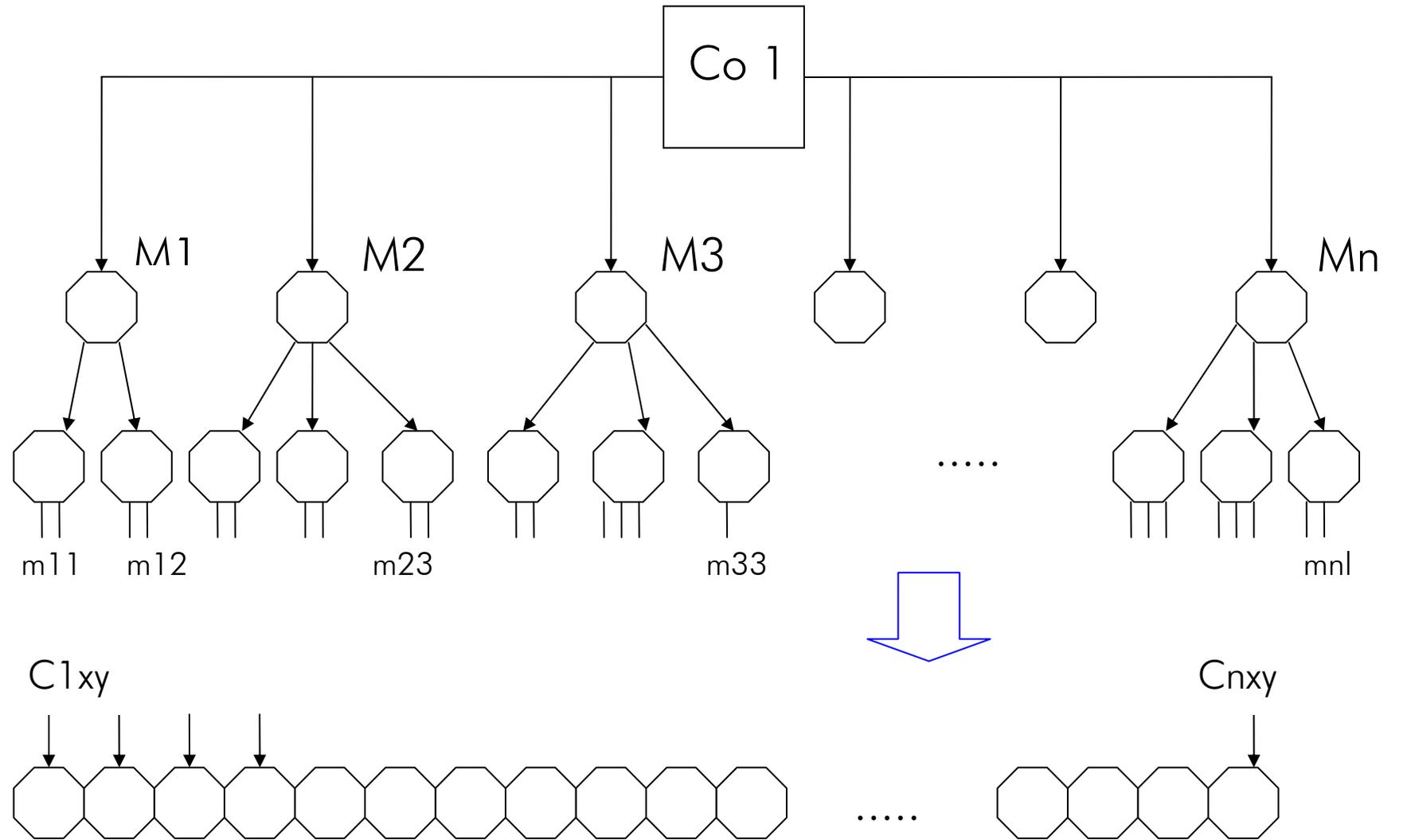
ANNEX II – About AeA Europe and EICTA

<u>EICTA MEMBERSHIP</u>

About EICTA:

EICTA, founded in 1999 is the voice of the European digital technology industry, which includes large and small companies in the Information and Communications Technology and Consumer Electronics Industry sectors. It is composed of 57 major multinational companies and 40 national associations from 27 European countries. In all, EICTA represents more than 10,000 companies all over Europe with more than 2 million employees and over EUR 1,000 billion in revenues.

<u>The membership of EICTA:</u>

Company Members:
Adobe, Agilent, Alcatel-Lucent, AMD, Apple, Bang & Olufsen, Brother, Canon, Cisco, Corning, Dell, EADS, Elcoteq, Epson, Ericsson, Fujitsu, Hitachi, HP, IBM, Infineon, Intel, JVC, Kenwood, Kodak, Konica Minolta, Lexmark, LG Electronics, Micronas, Microsoft, Motorola, NEC, Nokia, Nokia Siemens Networks, Nortel, NXP, Océ, Oki, Oracle, Panasonic, Philips, Pioneer, Qualcomm, Research In Motion, Samsung, Sanyo, SAP, Sharp, Siemens, Sony, Sony Ericsson, STMicroelectronics, Sun Microsystems, Texas Instruments, Thales, Thomson, Toshiba, Xerox.

National Trade Associations:
Austria: FEEI; **Belgium:** AGORIA; **Bulgaria**: BAIT; **Cyprus**: CITEA; **Czech Republic:** ASE, SPIS; **Denmark:** ITEK, IT-Branchen; **Estonia:** ITL; **Finland:** TIF; **France:** ALLIANCE TICS, SIMAVELEC; **Germany:** BITKOM, ZVEI; **Greece:** SEPE; **Hungary:** IVSZ; **Ireland:** ICT Ireland; **Italy:** ANIE, AITech-ASSINFORM; **Latvia:** LIKTA; **Lithuania:** INFOBALT; **Malta:** ITTS; **Netherlands:** ICT-Office, FIAR; **Norway:** ABELIA, IKT Norge; **Poland:** KIGEiT, PIIT; **Slovakia:** ITAS; **Slovenia:** GZS; **Spain:** AETIC, ASIMELEC; **Sweden:** IT Företagen; **Switzerland:** SWICO, SWISSMEM; **Turkey:** ECID, TESID, TÜBISAD; **Ukraine**: IT Ukraine; **United Kingdom**: INTELLECT.

About AeA Europe:

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AeA Europe represents leading European high-tech operations with US parentage. Collectively we invest Euro 100 bn in Europe and employ approximately 500,000 Europeans. AeA Europe Member companies are active throughout the high-technology spectrum, from software, semiconductors and computers to Internet technology, advanced electronics and telecommunications systems and services. Our parent company, AeA, is the oldest and largest US high-tech association (2500 + companies).