Stakeholder consultation held in the course of "Study to support the review of the list of restricted substances and to assess a new exemption request under RoHS 2 (Pack 15)"

1. Introduction

The RoHS Directive (2002/95/EC) (RoHS 1) has been recasted and has now become Directive 2011/65/EU that entered into force on 21 July 2011, repealing Directive 2002/95/EC on 3 January 2013. Directive 2011/65/EU is available here: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT.

The European Commission has appointed the Oeko-Institut and Fraunhofer IZM[1] to technically assist in a "Study to support the review of the list of restricted substances and to assess a new exemption request under RoHS 2 (Pack 15)". In the course of this project, a second consultation is being held to collect:

- Comments on the revised manual (draft) *methodology to identify and assess substances for possible restriction* under the RoHS Directive;
- Information of relevance to the *updating* of the RoHS *substance inventory*.

This consultation is run by Oeko-Institut together with Fraunhofer IZM on behalf of the European Commission, with the purpose to collect stakeholder contributions, under http://rohs.exemptions.oeko.info/index.php?id=302. Please note that the role of Oeko-Institut and Fraunhofer IZM is only to collect and evaluate the information provided by stakeholders with a goal to provide the Commission with support regarding the tasks outlined above. 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 current consultation concerns the collection of comments and information of relevance to the performance of task 1 and task 3 of the current study.

Task 1 requires the updating of *the methodology that details the technical and procedural provisions set out in Article 6 and the rationales of Recital 10.* The existing methodology was published in 2013 by the Austrian Umweltbundesamt (AUBA 2013) and has been used in the past among others in assessing the four phthalates recently added to the list of restricted substances in Annex II of the

[1] Contract is implemented through Framework Contract No. ENV.A.2/FRA/2015/0008 led by Oeko-Institut

Directive[2]. In the course of the current study, the methodology has been revised and a first draft is now being consulted on with stakeholders. The aim of the consultation in this respect is to collect general comments to the methodology. Information is also requested through questions related to specific parts of the proposed methodology. These questions have been integrated into the document and appear as framed blue text (i.e., within boxes), titled as "Question for Stakeholders participating in the stakeholder consultation".

Task 3 requires among others the updating of the RoHS *substance inventory* and the prioritization of the substances included therein, so as to generate a substance priority list on the basis of the updated methodology to be prepared in task 1. As a first step in relation to this task, the inventory[3] of substances of relevance for EEE generated by AUBA (2013) has been used to develop a first list of substances to be used for collecting information on the current use of substances in EEE.

The consultation thus includes a specific page for each of these tasks, specifying relevant background as well as aspects of relevance for submitting a contribution in this respect. Participating stakeholders should consider submitting comments in relation to both tasks, though contributions can also be submitted in relation to only one of these tasks.

3. How to submit a stakeholder contribution

The following general guidelines should be taken into account:

- Refer to the task to which your contribution is related.
- In contributions related to **task 1** (substance methodology manual draft), take note of the specific questions related to the manual. For convenience they have been compiled in the form of a questionnaire (see: http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Pack_15/2nd_Consultation/Substance_Review_Consultation_Questionnaire.pdf), however it is advisable to locate the questions within the manual so as to understand the context in which each question is asked. Additional comments are welcome - where relevant, please note the section/page to which they refer or quote the text of relevance from the manual.
- In contributions related to **task 3** (substance inventory), please use the excel format provided for contributing information related to the various substances on the list (see: http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Pack_15/2nd_Consultation/EEE_Substance_Inventory_v1_4_consultation.xlsx). Please take note of the guidance as to how to use this format to provide your input.
- If relevant for supporting your contribution, you may **provide reference and links to other documents or relevant technical and scientific evidence** supporting your views. **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.

[2] Commission Delegated Directive (EU) 2015/863 of 31 March 2015 amending Annex II to Directive 2011/65/EU of the European Parliament and of the Council as regards the list of restricted substances (Text with EEA relevance). See: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015L0863

[3] See AUBA (2013) inventory under: http://www.umweltbundesamt.at/fileadmin/site/umweltthemen/abfall/ROHS/finalresults/Annex3_EEE-substance-inventory.xls

- The assessment of substances aims to be transparent. In this sense, where possible, please provide information that can be made public (aside from data specific to your companies manufacture). Provision of information not marked as confidential shall be assumed as explicit agreement of the submitting permission to the Commission and the project team to disclose the relevant information on their website.
- Should you submit confidential information please clearly mark it as **"NOT FOR PUBLICATION"** if it is not to be posted on the consultation website or cited from in reporting. Please refrain from submitting confidential and non-confidential information mixed in one document. Should this nonetheless be necessary, please provide such documents in a confidential and a non-confidential version!
- 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.
- It shall be noted that generic comments, statements, position papers will not be taken into account.
- Always include **your contact details** (or of the person responsible for further contact with name, organisation, email and phone number). The evaluation procedure could 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 **21 December 2018**, to rohs.exemptions@oeko.de or by post to:

Oeko-Institut e.V.

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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"**.