

<p style="text-align: center;"><b>Recast of the RoHS Directive</b> <b>Cefic comments following the draft report by Rapporteur Jill Evans</b></p>
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In view of the next ENVI Committee meeting, Cefic would like to share some concerns regarding the draft report issued by Rapporteur Ms Jill Evans.

**Cefic does not oppose the existence of a separate legal instrument focusing on the sound management of waste electrical and electronic equipment. However, Cefic believes the assessment of chemical substances contained in those products must be dealt with using appropriate methodology and expertise.**

- New restrictions should be decided in comitology

In her draft report the Rapporteur considers that new restrictions should be decided via co-decision and proposes the deletion of article 4§7. Cefic does not share this view.

While we believe that legislation should be defined by co-decision, the case-by-case implementation of restrictions of specific substances should be decided in comitology with scrutiny. Under this procedure decisions are taken more rapidly than in co-decision and rely on appropriate science-based expertise.

- Comitology should rely on ECHA's existing expertise

The methodology in comitology is yet to be defined. In this respect, Cefic would like to recall the existence of the European Chemicals Agency (ECHA) which was established by Regulation (EC) No 1907/2006 (REACH) in order to provide the best available scientific and technical data when making decisions on authorisation/restriction of chemicals. Those decisions are further taken into account in comitology.

The Agency remains an independent body whose human and technical resources could be invested beyond the implementation of a sole regulation. For instance, in the near future, the evaluation of active substances contained in biocidal products could partly rely on ECHA.

- No new substances should be added to Annex IV without going through a transparent and science-based process

The draft report introduces 7 new substances and families of substances for restriction via Annex IV, citing as justification a report by the Öko Institut, which itself concedes that "there can be no robust recommendation as to the need to restrict the use of substances according to the present state of knowledge...". In so doing, the Rapporteur is asking to restrict substances without them having gone through a clear process. Cefic asks the legislators to use an appropriate transparent and science-based implementation process.