

21 August 2009

## **EBFRIP Position on the Recast of the RoHS Directive**

*(Recast of the EU Directive on the Restriction of Hazardous Substances  
in Electrical and Electronic Equipment)<sup>1</sup>*

EBFRIP (the European Brominated Flame Retardant Industry Panel) supports the objective of the RoHS Directive to restrict hazardous substances in E&E equipment where this is necessary to ensure environmentally sound recovery and disposal of waste from E&E equipment and the protection of human health.

However, in the context of the ongoing Council and European Parliament discussions on the RoHS recast, EBFRIP would like the following concerns to be taken into account:

1. The RoHS Directive should not be used as a tool for solving the problem of poor waste handling and management, whether inside or outside the EU. Enforcement of existing rules on collection, reuse, recovery and recycling, in addition to those on trans-frontier shipment of E&E waste, should instead be improved to achieve this goal.
2. The Council and European Parliament needs to ensure that the EU follows a single framework for the evaluation of chemicals. Chemical substances should only be restricted under the RoHS Directive on the basis of a recommendation by the European Chemicals Agency after following the restrictions procedures of the REACH Regulation.

### **1. Better enforcement of existing waste handling rules to avoid illegal shipment of waste**

EBFRIP shares the concerns about the problem of electronic and electrical waste and the fact that only one third of WEEE is reported to be separately collected and treated.<sup>2</sup>

EBFRIP member companies do not wish to see equipment containing products, including their substances, being illegally shipped to third countries where control over the disposal of the products is not guaranteed. EBFRIP believes that the correct application and enforcement of the WEEE Directive will ensure that E&E equipment is recycled, recovered, or disposed of in a safe manner in appropriate installations in the EU. Furthermore, the

---

<sup>1</sup><http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0809:EN:NOT>

<sup>2</sup> European Commission

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1878&format=HTML&aged=0&language=EN&guiLanguage=en>

enforcement of applicable waste shipment regulations should avoid the illegal export and dumping of E&E equipment. The RoHS Directive is neither an effective nor a proportionate tool to solve this issue.

## **2. Avoid contradictions between RoHS and REACH (Article 4 (7) new)**

The evaluation of chemicals via the REACH Regulation does cover the waste stage of a product's life as indicated in Annex I, section 5.2.2 which specifies that: "the emission estimation shall consider the emissions during all relevant parts of the lifecycle of the substance...the lifecycle stages...cover, where relevant, the waste stage". Given that REACH is already in place and will be fully operational when the revised RoHS enters into force, it is important to avoid duplication and contradictions between the two legal acts. To ensure legal and regulatory certainty the Council and European Parliament should clarify the interaction between this proposal and REACH.

EBFRIP believes that the legislator should make it clear that REACH will deal with the risk evaluation of chemical substances and based on the outcome, that RoHS will provide the framework through which substances can be restricted in E & E equipment. This could be achieved by modifying Article 4, paragraph 7 so that it is clear that **"... the list of prohibited substances in Annex IV shall be reviewed on the basis of a recommendation by the European Chemicals Agency after following the procedure of Articles 68 to 73 of Regulation (EC) No 1907/2006...."**

In order to maintain coherence between these legislative instruments going forward, the RoHS Directive should also clarify the process for taking new science into account when it becomes available for substances currently included under the scope of the Directive.

### **About EBFRIP and Brominated Flame Retardants**

*The European Brominated Flame Retardant Industry Panel represents the three main producers of brominated flame retardants, who are also major producers of alternative flame retardants based on phosphorus and mineral chemistry. Flame retardant manufacturing sites of EBFRIP member companies include those based in 5 EU Member States (France, Germany, Italy, the Netherlands, and the United Kingdom).*

*Brominated flame retardants are chemicals commonly used in the manufacture of many domestic and industrial appliances, for instance in 70% of electrical and electronic appliances for the purpose of fire safety. Flame retardants provide people with up to 15 times more escape time when there is a fire.*

-Ends-