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## **EBFRIP calls for consistent approach to chemicals' evaluation in EU RoHS proposal**

The European Commission issued today a proposal to revise the EU's Directive on the Restriction of Hazardous Substances in Electrical and Electronic Equipment (RoHS Directive).<sup>1</sup>

Significantly, the Commission's proposal does not add any new substances to the RoHS' restrictions list. The proposal, which is expected to enter into force at the end of 2011, links the future assessment of substances under RoHS to the principles behind the EU's chemicals policy, known as REACH.

However, the Commission proposal falls short of achieving scientific and regulatory consistency. Specifically, the proposal contradicts the EU's own existing chemicals policy by restricting use of the flame retardant Deca-BDE, despite an EU risk assessment concluding there is no need for any such restriction.

Moreover, the Commission has chosen to ignore widespread calls from industry to enact a single process for evaluating substances used in electrical and electronic products. By failing to act, the Commission has missed an opportunity to ensure that EU rules on electrical and electronic equipment are based on science and to avoid potential discrimination under trade rules.

EBFRIP will be looking to the European Parliament and the Council to address this inconsistency during their consideration of the Commission proposal in 2009-2010.

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### *Background:*

*After a 10-year evaluation, including review of more than 1,000 studies, a European Risk Assessment did not impose any restrictions to the marketing and use of Deca-BDE in electrical and electronic equipment. The conclusions of the Risk Assessment were published in the EU's Official Journal in May 2008<sup>2</sup>.*

*Deca-BDE had already been exempted from the RoHS Directive in 2005, based on Risk Assessment conclusions at that time, but, in April 2008 the European Court of Justice annulled that exemption, ruling that the Commission had followed an incorrect procedure.*

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<sup>1</sup> [http://ec.europa.eu/environment/waste/weee/pdf/com\\_2008\\_809.pdf](http://ec.europa.eu/environment/waste/weee/pdf/com_2008_809.pdf)

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:131:0007:0012:EN:PDF>.