

16 October 2008

**EBFRIP Statement on Initial EU Draft of RoHS Directive Revision  
Following ENDS Daily Article of 15 October**

The bromine industry welcomes reports that the European Commission's DG Environment is considering not adding any brominated flame retardant to the EU RoHS Directive's list of restricted substances. However the industry is concerned about one element of the reported DG Environment initial position – the drafting of a list of five substances for priority assessment under RoHS.

The first ideas of the European Commission's DG Environment on revising the EU RoHS Directive<sup>1</sup>, which were reported by the publication ENDS Europe Daily on 15 October, do not propose to add any brominated flame retardants, nor any other chemicals, to that Directive's list of restricted substances.

In addition, the DG Environment is reported to be proposing that the RoHS Directive be aligned with the EU's REACH Regulation on chemicals<sup>2</sup>, which was adopted after the RoHS.

The bromine industry supports these science-based developments, but believes that one element of the reported DG Environment initial position is inconsistent and would contradict and undermine the EU's emerging chemicals policy and law.

As reported in ENDS Europe Daily, DG Environment is considering proposing a draft list of five substances for "priority review" under the RoHS Directive. Proposing such a list ignores the existing findings of EU risk assessments on these substances, and pre-empts further scientific evaluations under REACH. For example, the DG Environment's idea of including the brominated flame retardant TBBPA as a substance for "priority review" under the RoHS Directive wholly disregards the recent conclusions of an extensive EU scientific assessment. EBFRIP questions why DG Environment would recommend a review of TBBPA, which far from being an unknown substance, has already been reviewed for eight years. Finally, such a priority assessment list would lead to market misperceptions about the safety of any substances listed -and it is unnecessary because such assessments can be prioritized under REACH.

"The EU has worked very hard to establish a sound, science-based approach to chemicals regulation, and advancing ideas that blatantly ignore the Commission's own scientific assessments will surely undermine that entire process," said EBFRIP Chair Dr Veronique Steukers. "We urge the Commission not to support conflicting legislation, and to base all future proposals on sound science. We trust that this is a preliminary idea which will not be reflected in the Commission's final proposal".

The DG Environment's initial draft document is a preliminary text, and is likely to be subject to significant revisions between now and its submission near the end of the year as a final proposal to the Council (EU Member States) and the European Parliament.

---

<sup>1</sup> Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment

<sup>2</sup> Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)