



7 October 2010

## **BUSINESSEUROPE COMMENTS ON THE RECAST OF THE RESTRICTION OF HAZARDOUS SUBSTANCES (RoHS) DIRECTIVE**

In principle, business has supported the decision to review the RoHS directive, a recast designed to improve consistency with related legislation and make it easier for producers of electronic and electrical equipment to identify whether or not a product falls within its scope. However, a number of substantive amendments, adopted by the European Parliament's Environment Committee in June, have been introduced without impact assessment or due stakeholder engagement. Industry strongly opposes these amendments on the grounds that it does not follow the principles of smart regulation.

Sound impact assessment must be maintained as a fundamental principle of policy-making and of product-related rules in particular. Without this, legislators cannot be certain that the revised directive will meet its environmental and health objectives, let alone be confident that it will not risk negative implications on the competitiveness of EU industry or stifle innovation and growth.

For this reason, EU policy-makers are urged to realign the RoHS directive with the principles of smart regulation. In particular, BUSINESSSEUROPE would like to underline the following concerns that must be addressed as part of the informal trilogue process:

- Proposals to immediately restrict a number of new substances are without scientific foundation. There must be rigorous, risk-based evaluations to justify new substance restrictions within Annex IV. Additional proposals to drastically increase the number of priority substances for review (Annex III), without scientific justification, will produce a 'black list' of substances and unnecessary uncertainty for industry.
- It is crucial that RoHS and REACH are fully aligned to avoid inconsistencies and unnecessary duplication of legislation, which will undermine both dossiers and place an unnecessary burden on manufacturers and the supply chains that support them.
- Adoption of the proposal for an open scope, in the absence of impact assessment, could lead to a serious reduction in the availability of essential electrical and electronic equipment and products, while having negligible environmental benefit.

\* \* \*